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WALTER G. HART.

Dr. WALTER GRAY HART BEQUEST

THE

# LAW REPORTS.

# The Public General Statutes

PASSED IN THE ELEVENTH AND TWELFTH YEARS

OF THE REIGN OF HIS MAJESTY

## KING GEORGE THE FIFTH.

## 1921.

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# TABLE I.

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## TABLE

OF

The TITLES of the PUBLIC GENERAL ACTS passed in the THIRD and FOURTH Sessions of the THIRTY-FIRST Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

11 & 12 GEORGE 5.—A.D. 1921.

1. An Act to provide for an increase of the rates and period of benefit under the Unemployment Insurance Act, 1920, and to vary the conditions for the receipt of such benefit, and to amend the said Act with respect to the rates and crediting of contributions thereunder, and otherwise. (*Unemployment Insurance.*)

2. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-one. (*Consolidated Fund* (*No.* 1).)

3. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, and one thousand nine hundred and twenty-two. (*Consolidated Fund* (*No.* 2).)

4. An Act to amend the Children Act, 1908, in respect of the Expenses of Reformatory and Industrial Schools. (*Children.*)

5. An Act to provide for the application of part of the purchase price of imported German goods towards the discharge of the obligations of Germany under the Treaty of Versailles. (*German Reparation* (*Recovery*).)

**6.** An Act to curtail the duration of and amend the Coal Mines (Emergency) Act, 1920, and for purposes connected therewith. (*Coal Mines (Decontrol).*)

**7.** An Act to make provision with respect to the taking of evidence before and the procedure and powers of certain Tribunals of Inquiry. (*Tribunals of Inquiry (Evidence).*)

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**12.** An Act to make further provision with respect to arrangements by local authorities for the treatment of tuberculosis. (*Public Health (Tuberculosis).*)

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**19.** An Act to amend the law relating to the Housing of the People, and for purposes in connection therewith. (*Housing.*)

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**21.** An Act to amend the Dentists Act, 1878, and the provisions of the Medical Act, 1886, amending that Act. (*Dentists.*)

**22.** An Act to amend the Protection of Animals (Scotland) Act, 1912. (*Protection of Animals (Scotland) Act, 1912, Amendment.*)

**23.** An Act to amend the Law relating to the Appointment and Tenure of Office of Medical Officers of Health, Sanitary Inspectors, and Inspectors of Nuisances, and for other purposes. (*Public Health (Officers).*)

**24.** An Act to amend the Law relating to marriage with a deceased brother's widow. (*Deceased Brother's Widow's Marriage.*)

**25.** An Act to amend the financial provisions of the National Health Insurance Acts, 1911 to 1920, and to provide for increasing the amounts payable to insurance committees on account of their administration expenses, and for reducing the number of members of insurance committees. (*National Health Insurance.*)

**26.** An Act to extend the Overseas Trade (Credits and Insurance) Act, 1920, to the giving of guarantees in connection with export transactions, and otherwise to amend section one of that Act. (*Overseas Trade (Credits and Insurance) Amendment.*)

**27.** An Act to empower Local Authorities to advertise Health Resorts and Watering Places. (*Health Resorts and Watering Places.*)

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**32.** An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance. (*Finance.*)

**33.** An Act to make further provision for the extension of the time for the construction of houses in Scotland for the purpose of obtaining grants under section one of the Housing (Additional Powers) Act, 1919, and to limit the aggregate amount of such grants in respect of houses in Scotland. (*Housing (Scotland).*)

**34.** An Act to amend the Representation of the People Acts, 1918 to 1920, with respect to interruptions of residence during the qualifying period. (*Representation of the People.*)

**35.** An Act to provide for the greater uniformity in the Weights and Measures used in the Sale of Corn and other Crops, to amend the Corn Returns Act, 1882, and for purposes connected therewith. (*Corn Sales.*)

**36.** An Act to renew section two of the Juries (Emergency Provisions) Act, 1920. (*Juries (Emergency Provisions) (Renewal).*)

**37.** An Act to provide for the application of new designations to the territorial force and the special reserve, and to repeal enactments relating to the militia and yeomanry; and for purposes in connection therewith. (*Territorial Army and Militia.*)

**38.** An Act to increase the maximum licence duties for fishing for salmon and freshwater fish. (*Salmon and Freshwater Fisheries.*)

**39.** An Act to make further provision with respect to Admiralty Pensions, and with respect to Pensions, Grants, or Allowances payable under the Injuries in War (Compensation) Acts, and the Government War Obligations Acts. (*Admiralty Pensions.*)

**40.** An Act to amend the law with respect to Customs in the Isle of Man. (*Isle of Man (Customs).*)

**41.** An Act to amend the Greenwich Hospital Act, 1872. (*Greenwich Hospital.*)

**42.** An Act to amend the law relating to the sale and supply of intoxicating liquor, and for purposes in connection therewith. (*Licensing.*)

**43.** An Act to amend section fourteen of the Land Settlement (Facilities) Act, 1919, and sections twenty-six and twenty-nine of the Land Settlement (Scotland) Act, 1919, by extending the periods of time therein respectively mentioned, and to raise the limit on the aggregate amount which may be issued out of the Consolidated Fund under the said section twenty-six for the purpose of advances to the Board of Agriculture for Scotland. (*Land Settlement Amendment.*)

**44.** An Act to make provision for the modification of the charges which may be made in respect of water undertakings. (*Water Undertakings (Modification of Charges).*)

**45.** An Act to authorise capital moneys belonging to the Duchy of Lancaster to be applied, up to an amount not exceeding one hundred thousand pounds, as revenues of the Duchy. *Duchy of Lancaster* (*Application of Capital Moneys*).)

**46.** An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-two, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

**47.** An Act to impose duties of customs on certain goods with a view to the safeguarding of certain special industries and the safeguarding of employment in industries in the United Kingdom against the effects of the depreciation of foreign currencies, and the disposal of imported goods at prices below the cost of production, and for purposes connected therewith. (*Safeguarding of Industries.*)

**48.** An Act to repeal the Corn Production Acts, 1917 and 1920, to make provision as to payments under those Acts in respect of the crops of the current year, to provide funds for agricultural development, to promote the formation of joint conciliation committees for the industry of agriculture, and to make certain consequential amendments in section twelve, and to repeal subsection (1) of section fifteen of the Agriculture Act, 1920. (*Corn Production Acts* (*Repeal*).)

**49.** An Act to amend the War Pensions Acts, 1915 to 1920, and to provide for certain other matters connected with the administration of pensions, grants, and allowances. (*War Pensions.*)

**50.** An Act to make provision for the examination and putting in evidence in trials on indictment in Scotland of witnesses and productions not included in lists lodged, and for the remission for sentence to the High Court of Justiciary of persons pleading or found guilty on

indictment in the Sheriff Court. (*Criminal Procedure (Scotland).*)

**51.** An Act to consolidate the enactments relating to Education and certain enactments relating to the Employment of Children and Young Persons. (*Education.*)

**52.** An Act to amend the Exchequer and Audit Departments Acts, 1866 and 1889. (*Exchequer and Audit Departments.*)

**53.** An Act to continue certain Expiring Laws. (*Expiring Laws Continuance.*)

**54.** An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. (*Public Works Loans.*)

**55.** An Act to provide for the reorganisation and further regulation of Railways and the discharge of liabilities arising in connection with the possession of Railways, and otherwise to amend the Law relating to Railways, and to extend the duration of the Rates Advisory Committee. (*Railways.*)

**56.** An Act to make further provision with respect to the appointment, conditions of service and pensions of certain Officers of the Supreme Court in England, and to authorise the abolition of certain offices therein, and for purposes connected therewith. (*Supreme Court Officers (Retirement, Pensions, &c.).*)

**57.** An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1920. (*Telegraph Money.*)

**58.** An Act to consolidate and amend the Law relating to Trusts in Scotland. (*Trusts (Scotland).*)

**59.** An Act to provide for the payment of a lump sum in satisfaction of claims of Irish Railway Companies under an agreement with the Government, and otherwise for the distribution of such sum amongst the several companies and for the continuance of a clause in the said agreement. (*Irish Railways (Settlement of Claims).*)

**60.** An Act to extend the hours during which Sweets, Chocolates, or other Sugar Confectionery, or Ice Cream, may be sold to the Public. (*Shops (Early Closing) Act (1920) Amendment.*)

**61.** An Act to modify temporarily the provisions of section three of the Forestry Act, 1919. (*Forestry.*)

**62.** An Act to make temporary provision for the payment of grants to unemployed workers towards the maintenance of their wives, dependent husbands, and dependent children, and to suspend the operation of section twenty-seven of the Unemployment Insurance Act, 1920. (*Unemployed Workers' Dependants (Temporary Provision).*)

**63.** An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-two, and to appropriate the further Supplies granted in this Session of Parliament. (*Appropriation (No. 2).*)

**64.** An Act to authorise during a limited period the provision of Poor Relief to Destitute Able-bodied Persons out of Employment in Scotland, to extend the borrowing powers of Parish Councils, and for other purposes in connection therewith. (*Poor Law Emergency Provisions (Scotland).*)

**65.** An Act to authorise the Treasury to guarantee the payment of loans to be applied towards the carrying out of capital undertakings, or in the purchase of articles manufactured in the United Kingdom required for the purposes of any such undertakings, and to amend the Overseas Trade (Credits and Insurance) Act, 1920, and the Overseas Trade (Credits and Insurance) Amendment Act, 1921. (*Trade Facilities.*)

**66.** An Act to extend temporarily the period during which persons who are unemployed may remain insured under the general provisions of the National Health Insurance Acts, 1911 to 1921. (*National Health Insurance (Prolongation of Insurance).*)

**67.** An Act to make further provision with respect to the Metropolitan Common Poor Fund and with respect to rating and to the finance of certain Local and Public Authorities. (*Local Authorities (Financial Provisions).*)

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THE

# PUBLIC GENERAL STATUTES.

[11 Geo. 5.]

## CHAPTER 1.

An Act to provide for an increase of the rates and period of benefit under the Unemployment Insurance Act, 1920, and to vary the conditions for the receipt of such benefit, and to amend the said Act with respect to the rates and crediting of contributions thereunder, and otherwise. [3rd March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Rates of unemployment benefit. 10 & 11 Geo. 5. c. 30.

**1.** Paragraph 1 of the Second Schedule to the Unemployment Insurance Act, 1920 (in this Act referred to as "the principal Act"), which provides that unemployment benefit shall, subject as thereinafter provided, be at the weekly rate of fifteen shillings for men and twelve shillings for women or such other weekly rates as may be prescribed, shall have effect as though twenty shillings and sixteen shillings respectively were therein substituted for fifteen shillings and twelve shillings.

Provisions as to contributions.

**2.**—(1) From and after the third day of July, nineteen hundred and twenty-one, the contributions payable under the principal Act in respect of employed persons by those persons and their employers shall be at the rates set out in the First Schedule to this Act instead of at the rates specified in Part I. of the Third Schedule to the principal Act, and the contribution to be made out of moneys provided by Parliament shall, instead of being a contribution

at the rates specified in Part II. of the Third Schedule to the principal Act, be at a rate equal to one-fourth of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, and subsections (3) and (7) of section five of the principal Act shall have effect accordingly.

(2) For the purpose of determining the amount of unemployment benefit to which, having regard to the proportion of benefit to contributions fixed by paragraph 3 of the Second Schedule to the principal Act, any person is entitled at any time after the second day of July, nineteen hundred and twenty-two, no account shall be taken of any benefit which may have been received by that person at any time in respect of the period between the seventh day of November, nineteen hundred and twenty, and the third day of July, nineteen hundred and twenty-two, and there shall be deemed to have been paid previously to that date in the case of every person who is an insured contributor at that date, twenty-five contributions in addition to the contributions actually paid in respect of him:

Provided that any additional contributions credited under the foregoing provision shall not be taken into account for the purpose of determining whether any person satisfies the first statutory condition, or for the purposes of section twenty-five of the principal Act, which provides for the repayment in certain cases of part of the contributions paid by employed persons.

(3) If at any time while the contributions payable by employers and employed persons under the principal Act are payable at the rates fixed by this Act it appears to the Minister that the rates of those contributions are excessive, he may, with the consent of the Treasury by regulations under that Act, reduce those rates by not more than two-pence, but any regulations made under this subsection shall not reduce the rates unequally as between employers and employed persons.

Amendments as to conditions for receipt of benefit.

**3.**—(1) Subject to the provisions of this section, every person who has been engaged at any time in each of not less than twenty separate calendar weeks since the thirty-first day of December, nineteen hundred and nineteen, in any employment which made him, or which would, if the principal Act had been in force throughout the year nine-

teen hundred and twenty, have made him, an employed person within the meaning of that Act and who satisfies the other conditions prescribed by this section shall, notwithstanding that the first statutory condition may not have been fulfilled in his case and notwithstanding subsection (4) of section eight of the principal Act, but subject to the other provisions of the said Act as amended by this Act, be entitled to receive in each of the special periods hereinafter in this Act mentioned unemployment benefit for periods not exceeding in the aggregate in each of the special periods, sixteen weeks, and for the purpose of qualifying any person to receive benefit up to the aggregate amounts aforesaid within each of the special periods, but for no other purpose, there shall be treated as having been paid in respect of him such number of contributions as are sufficient to qualify him as aforesaid:

Provided that no person who holds, or has at any time held, a certificate of exemption under section three of the principal Act shall be entitled to benefit under this section.

(2) In the application of the preceding subsection to persons formerly engaged in war service within the meaning of this Act a period of not less than ten separate calendar weeks shall be substituted for a period of not less than twenty separate calendar weeks, and if in any particular case a person who has been engaged in war service satisfies the local employment committee that his failure to be employed for the period required by this section was in consequence of the present war and due to circumstances not within his own control or, in the case of a disabled person within the meaning of this Act, was due to his disablement, that person may, if the local employment committee so recommend, be treated for the purpose of this section as though he had been engaged for the period aforesaid in such employment as aforesaid, although he has not in fact been so engaged.

(3) No person shall be entitled to benefit under this section unless he proves that he is—

(*a*) Normally in employment such as would make him an employed person within the meaning of the principal Act;

(*b*) Genuinely seeking whole-time employment but unable to obtain such employment.

If any question arises as to whether any person satisfies the foregoing requirements, the question shall be decided by the Minister and the Minister may, if he thinks fit, refer any such question to the local employment committee for their recommendation.

Where a question is referred to a local employment committee under this section, the committee may make it a condition of their recommendation that the case of the claimant shall be reconsidered by the committee on the expiration of any specified period, or that the maximum aggregate period during which the claimant may receive benefit shall be reduced to a period less than the maximum period allowed by this Act.

Local employment committees in the exercise of their powers under this section shall have regard to such directions as the Minister may prescribe for their guidance.

Period of unemployment benefit.

**4.**—(1) Paragraph 2 of the Second Schedule to the principal Act (which provides that no person shall within any insurance year receive unemployment benefit for a period of more than fifteen weeks or such other period as may be prescribed) shall not operate during the special periods, and shall thereafter have effect as though twenty-six weeks were therein substituted for fifteen weeks.

(2) Notwithstanding anything in the principal Act or in this Act, no person shall be entitled to receive unemployment benefit in either of the special periods for a greater period in the aggregate than sixteen weeks.

Treasury advances.

**5.**—(1) The Treasury may, out of the Consolidated Fund or the growing produce thereof, advance any sums required for the purpose of discharging the liabilities of the unemployment fund under the principal Act as amended by this Act:

Provided that the total amount of advances outstanding at any time shall not exceed ten million pounds.

Any sums advanced under the foregoing provision, together with interest thereon at such rate as may be fixed by the Treasury, shall be charged on and be payable out of the Unemployment Fund.

(2) The Treasury may, for the purpose of providing for the issue of sums out of the Consolidated Fund under

this section or for the repayment to that fund of all or any part of sums so issued or for paying off any securities issued under this section, so far as that payment is not otherwise provided for, borrow money by means of the issue of such securities as the Treasury think proper, and all sums so borrowed shall be paid into the Exchequer.

(3) The principal of and interest on any securities issued under this section shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

(4) Notwithstanding anything in any other Act, money in the hands of the National Debt Commissioners for the reduction of the National Debt, shall not be applied in purchasing, reducing or paying off any securities issued under this section.

Provision for enabling associations to make arrangements under s. 17 of principal Act.

**6.**—(1) It shall be lawful for any association to make any such amendments in the instrument governing its constitution as may be necessary for the purpose of enabling the association to become an association with which the Minister may make an arrangement under section seventeen of the principal Act or for the purpose of enabling the association to include any class of its members within the scope of such an arrangement, and if the instrument regulating the constitution of the association contains provisions requiring any interval of time to elapse before any action can be taken or any amendment of the instrument can take effect, those provisions shall not apply to action taken for the purpose aforesaid.

(2) The powers by this section conferred on an association may, notwithstanding anything in the instrument governing the constitution of the association, be exercised by the council or other governing body of the association.

(3) In this section the expression "instrument" includes any Act, memorandum, articles of association, trust deed, or rules.

Amendment of s. 41 of principal Act.

**7.** Subsection (2) of section forty-one of the principal Act (which relates to the fixed number of contributions to be credited to seamen, marines, soldiers, and airmen discharged from the service after the thirty-first day of July, nineteen hundred and twenty) shall have effect as

if for the words "be ninety" there were therein substituted the words "in the case of men discharged before "the third day of July, nineteen hundred and twenty-two, "be ninety and in the case of men discharged on or "after that date be one hundred and fifty-six," and as though after the word "opinion" there were inserted the words "in either such case."

Minor amendments.

**8.** The amendments in the second column of the Second Schedule to this Act (which relate to minor details) shall be made in the provisions of the principal Act specified in the first column of that Schedule and those amendments shall be deemed to have had effect as from the commencement of that Act.

Construction, saving, short title, commencement, and duration.

**9.**—(1) In this Act, unless the context otherwise requires,—

The expression "special periods" means the following two periods, that is to say, the period from the day on which this Act comes into operation to the second day of November, nineteen hundred and twenty-one, and the period from the third day of November nineteen hundred and twenty-one to the second day of July, nineteen hundred and twenty-two, the days above mentioned being in all cases inclusive:

The expression "person formerly engaged in war service" means any person belonging to the classes of persons to whom the scheme in force at the commencement of this Act for paying donation in respect of unemployment to discharged sailors, soldiers, and other persons applies, or would have applied if it had continued in force:

The expression "disabled person" means a person who is or has been since the thirty-first day of December, nineteen hundred and nineteen, in receipt of a pension granted out of moneys provided by Parliament in respect of a disability arising out of his service with His Majesty's forces during the present war and assessed for the purpose of determining the amount of his pension at not less than twenty per cent.:

The expression "local employment committee" means any local committee to which questions may

be referred under subsection (5) of section thirteen of the principal Act.

(2) In the application of this Act to Ireland references to a court of referees shall be substituted for references to a local employment committee.

(3) If any question arises as to whether any person is a person who was formerly engaged in war service, or is a disabled person, within the meaning of this Act, that question shall be referred to the Minister, whose decision therein shall be final and conclusive.

(4) Save as in this Act otherwise expressly provided, nothing therein contained shall operate so as to deprive any person of, or to prevent any person from receiving, any unemployment benefit which he would have been entitled to receive if this Act had not passed, or so as to render it necessary for the Minister at any time before the third day of November, nineteen hundred and twenty-one, to require any association to make for the purposes of proviso (*a*) to subsection (1) of section seventeen of the principal Act any greater or further provision for unemployment benefit than would have been required to be made for those purposes if this Act had not passed.

(5) This Act may be cited as the Unemployment Insurance Act, 1921, and shall be construed as one with the principal Act, and that Act and the Unemployment Insurance (Temporary Provisions Amendment) Act, 1920, and this Act may be cited together as the Unemployment Insurance Acts, 1920 and 1921. 10 & 11 Geo. 5. c. 82.

(6) This Act shall come into operation on the third day of March, nineteen hundred and twenty-one, and the provisions of this Act providing for increases in the rates of unemployment benefit and in the rates of contribution shall cease to have effect on the first day of July, nineteen hundred and twenty-three.

# SCHEDULES.

Section 2.

## FIRST SCHEDULE.

*Ordinary Rates of Contributions by Employed Persons and Employers.*

From the employed person in each week—

| | |
|---|---|
| In the case of men - - - - - | 5*d.* |
| „ „ women - - - - - | 4*d.* |

From the employer for each week—

| | |
|---|---|
| In the case of employed persons being men - | 6*d.* |
| „ „ „ women | 5*d.* |

*Rates in case of Persons under* 18.

From the employed person in each week—

| | |
|---|---|
| In the case of boys - - - - - | 2½*d.* |
| „ „ girls - - - - - | 2*d.* |

From the employer for each week—

| | |
|---|---|
| In the case of employed persons being boys - | 3*d.* |
| „ „ „ girls - | 2½*d.* |

Section 8.

## SECOND SCHEDULE.

### MINOR AMENDMENTS OF PRINCIPAL ACT.

| Enactment to be Amended. | Nature of Amendment. |
|---|---|
| Section 17 - | For the words "is at least one-third greater than" in proviso (*a*) to subsection (1) there shall be substituted the words "exceeds by at least five shillings per week " in the case of men, four shillings per week in the " case of women, two shillings and sixpence per week " in the case of boys, and two shillings per week in " the case of girls." |

| Enactment to be Amended. | Nature of Amendment. |
|---|---|
| Section 18 - | In subsection (10) for the words "subsection (5) of this section" there shall be substituted the words "subsection (7) of this section." |
| Section 47 - | At the end of subsection (1) there shall be inserted the following new paragraph :— "(*g*) The expression 'day' means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Minister may for any general or special purpose prescribe." |
| First Schedule. | In paragraph (*d*) of Part II. for the words from "certifies that" to the end of the paragraph there shall be substituted the words "the employment is, in his opinion, "having regard to the normal practice of the em- "ployer, permanent in character, that the employed "person has completed three years service in the "employment, and that the other circumstances of the "employment in his opinion make it unnecessary that "he should be insured under this Act," and the following words shall be added at the end of the paragraph :— "Provided that, where the employed person is not "under the terms of his contract subject to dismissal "except for misconduct or for neglect in the per- "formance of, or unfitness to perform his duties, the "foregoing provision in respect to three years' service "shall not apply." |
| Second Schedule. | In paragraph (6) for the words "so as to increase the "rate of benefit above seventeen shillings per week "for men, or above fourteen shillings per week for "women, or to reduce it below thirteen shillings per "week for men or below ten shillings per week for "women, or so as to increase the period of unemploy- "ment benefit above fifteen weeks" there shall be substituted the words "so as to increase the rate of "benefit above twenty-two shillings per week for men "or above seventeen shillings per week for women, or "to reduce it below seventeen shillings per week for "men or below fourteen shillings per week for women, "or so as to increase the period of unemployment "benefit above twenty-six weeks." |

## CHAPTER 2.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-one. [8th March 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 21,000,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1921.

**1.** The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-one, the sum of twenty-one million pounds.

Short title.

**2.** This Act may be cited as the Consolidated Fund (No. 1) Act, 1921.

## CHAPTER 3.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, and one thousand nine hundred and twenty-two. [24th March 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great

Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 16,467,532*l.* 13*s.* 9*d.* out of the Consolidated Fund for the service of the years ended 31st March 1920 and 1921.

**1.** The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty, and one thousand nine hundred and twenty-one, the sum of sixteen million four hundred and sixty-seven thousand five hundred and thirty-two pounds thirteen shillings and ninepence.

Issue of 265,108,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1922.

**2.** The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-two, the sum of two hundred and sixty-five million one hundred and eight thousand pounds.

Power for the Treasury to borrow.

**3.**—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and eighty-one million five hundred and seventy-five thousand five hundred and thirty-two pounds thirteen shillings and ninepence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing

produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

**4.** This Act may be cited as the Consolidated Fund (No. 2) Act, 1921.

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## CHAPTER 4.

An Act to amend the Children Act, 1908, in respect of the Expenses of Reformatory and Industrial Schools. [24th March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments of Children Act.

**1.** The Children Act, 1908 (hereinafter referred to as the principal Act), shall have effect as though the following amendments were made therein :—

8 Edw. 7. c. 67.

(1) For section fifty-six, the following section shall be substituted :—

"The managers of any certified school may, as part of the expenses of the management of the school, pay or contribute to the payment of superannuation allowances or gratuities to officers who retire by reason of old age or permanent infirmity of mind or body, and gratuities to the dependents of officers who have died in the service of the school :

"Provided that no payment in respect of any such allowances, gratuities, or contributions shall be made unless it is sanctioned by the Secretary of State, or in Scotland

the Scottish Education Department, or is in accordance with the rules so sanctioned, with the concurrence of the Treasury."

(2) In subsection (4) of section fifty-eight (which relates to children sent to industrial schools at the request of their parents or guardians) after the word "follow" there shall be inserted the words "and that the local education authority "(if any) which will be liable under this Act "to provide for the maintenance of the child "agrees"; and in subsection (5) of section seventy-four, paragraph (*a*) (which limits the obligation of local authorities with respect to the maintenance of such children) shall be repealed.

(3) In section seventy-three (which provides for contributions from the Treasury towards the expenses of certified schools) the words "Provided that "the contribution shall not exceed two shillings "per head per week for children detained in an "industrial school on the application of their "parents or guardians" shall be repealed.

(4) At the end of the said section seventy-three the following paragraph shall be added:—

"Where the managers of a certified school accept a grant out of moneys provided by Parliament towards the provision of a site, or the erection, enlargement, improvement, or repair of such a school, the managers may accept the grant subject to the conditions on which the grant is payable, and may execute any instrument required for carrying into effect those conditions, and upon payment of the grant shall be bound by those conditions and any instrument so executed, and shall have power and be under the obligation to fulfil and observe the same."

(5) In subsection (1) of section seventy-five (which relates to contributions by parents towards the maintenance of youthful offenders and children in certified schools) the words "in the locality in which such school is situate" shall be repealed; and in subsection (1) of section eighty-two (which relates to contributions by parents towards the maintenance of children in certified day industrial schools) the words "in the locality in which

" the school to which the child is sent is " situate " shall be repealed.

(6) In subsection (7) of the said section seventy-five (which relates to the application of contributions by parents towards the maintenance of youthful offenders and children in certified schools), the words " but if the amount received in respect of " any child in an industrial school exceeds the " contribution from the Treasury in respect of " that child, the excess shall be paid to the " managers of the school and shall not be paid " into the Exchequer " shall be repealed.

(7) Subsection (1) of section seventy-six (which relates to the expenses of the conveyance and clothing of youthful offenders committed to reformatory schools) shall be repealed, and in subsection (2) for the words " The expense of " conveying to a certified industrial school a " child ordered to be sent there " there shall be substituted the words " The expense of con- " veying to a certified school a youthful offender " or child ordered to be sent there."

Short title, construction, extent, repeal, and commencement.

**2.**—(1) This Act may cited as the Children Act, 1921, and the Children Acts, 1908 to 1913, and this Act may be cited together as the Children Acts, 1908 to 1921.

(2) This Act shall be construed as one with the principal Act.

(3) This Act shall not extend to Ireland.

(4) The provisions of the principal Act mentioned in the first column of the Schedule to this Act shall be repealed to the extent specified in the second column of that Schedule.

(5) So much of this Act as relates to the proviso to section seventy-three of the principal Act shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty.

## SCHEDULE.

Section 2.

| Sections of the Principal Act. | Extent of Repeal. |
|---|---|
| Section 73 - | The proviso to that section. |
| Section 74 - | Paragraph (*a*) of subsection (5). |
| Section 75 - | In subsection (1) the words "in the locality in which such school is situate." In subsection (7) the words from "but, if the amount" down to the end of the subsection. |
| Section 76 - | Subsection (1). |
| Section 82 - | In subsection (1) the words "in the locality in which the school to which the child is sent is situate." |

## CHAPTER 5.

An Act to provide for the application of part of the purchase price of imported German goods towards the discharge of the obligations of Germany under the Treaty of Versailles.

[24th March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appropriation towards reparation, &c. of portion of imported German goods.

**1.**—(1) Subject to the provisions of this Act, after the thirty-first day of March, nineteen hundred and twenty-one, on the importation into the United Kingdom of any German goods to which this Act applies, the importer shall pay to the Commissioners of Customs and Excise (hereinafter referred to as the Commissioners) such proportion of the value of the goods, not exceeding fifty per cent., as the Treasury may from time to time prescribe:

Provided that this Act shall not apply to goods imported before the fifteenth day of April, nineteen hundred and twenty-one, if it is proved to the satisfaction of the Commissioners that the goods are imported in pursuance of a contract entered into before the eighth day of March, nineteen hundred and twenty-one.

(2) The payment of any sum to the Commissioners under this section shall, up to the amount of the payment, operate as a good discharge to the person by or on whose behalf the payment is made as against the person to whom the purchase price of the goods in question is due; and the receipt of the Commissioners shall be conclusive evidence of such payment.

(3) The Commissioners shall pay all moneys received by them under this section into such special account as the Treasury may direct to be applied in such manner as the Treasury may direct towards the discharge of the obligations undertaken by Germany under Parts VIII. and IX. of the Treaty of Versailles.

Goods to which Act applies.

**2.** The German goods to which this Act applies are goods first consigned from Germany to the United Kingdom, and goods not so consigned being goods wholly or partially manufactured or produced in Germany, unless, in the case of goods partially manufactured or produced in Germany, twenty-five per cent. or more of the value of the goods is attributable to processes of manufacture undergone since the goods last left Germany:

Provided that, subject to compliance with such conditions as to security for re-exportation of the goods as the Commissioners may impose, this Act shall not apply to goods imported for exportation after transit through the United Kingdom, or by way of transhipment.

Supplemental provisions.

**3.**—(1) The value of any imported goods shall for the purposes of this Act be taken to be the amount which an importer would give for the goods, including the sum payable to the Commissioners under this Act, if the goods were delivered to him at the place of importation, freight and insurance being payable by him, and for the purpose of ascertaining the amount to be paid under this Act to the Commissioners that value shall be fixed by them:

Provided that, in the case of goods proved to the satisfaction of the Commissioners to be goods brought

back into the United Kingdom after having been exported therefrom for the purpose of undergoing any process in Germany, the value of the goods for the purposes of this Act shall be taken to be such value as aforesaid after deducting therefrom such amount as is proved to the satisfaction of the Commissioners to have been the value of the goods at the time of exportation, together with freight and insurance outwards, and the sum contracted to be paid for the execution of the process shall be deemed to be the purchase price.

(2) Without prejudice to the powers of the Commissioners under the foregoing subsection, the sum stated in an invoice of goods imported on sale to be the price of the goods shall, if it includes the sum payable to the Commissioners under this Act, be primâ facie evidence of the value of the goods for the purposes of this Act.

(3) If in ascertaining the amount to be paid under this Act any dispute arises as to the value of the goods, such question shall be referred to a referee appointed by the Treasury, who shall not be an official of any Government department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive.

(4) Sections thirty and thirty-one of the Customs Consolidation Act, 1876, as set out and modified in the Schedule to this Act shall apply to disputes as to the sum payable to the Commissioners under this Act. 39 & 40 Vict. c. 36.

(5) It shall be lawful for the Commissioners in the case of any goods to require the importer to furnish particulars in the prescribed manner as to the country from which the goods were first consigned or as to the country of manufacture or production of the goods, and if the particulars are not furnished to the satisfaction of the Commissioners the goods shall for the purposes of this Act be deemed to be goods first consigned from Germany, or, as the case may be, wholly manufactured or produced in Germany.

(6) Where it is proved to the satisfaction of the Commissioners that, by reason of any payment or advance made, consideration given, or obligation undertaken, before the eighth day of March, nineteen hundred and twenty-one, the sum payable to the Commissioners under

the foregoing provisions of this Act exceeds the amount remaining due from the importer in respect of the goods imported, the sum payable to the Commissioners shall be reduced by the amount of such excess, and if any dispute arises as to the amount of such reduction the matter shall be referred to such referee as aforesaid.

Power of court to vary contracts.

**4.**—(1) Where any person is under a contract entered into before the eighth day of March, nineteen hundred and twenty-one, liable to accept bills of exchange or make advances in connection with the importation of any goods, he may apply to the High Court, and the court, if satisfied that by reason of the provisions of this Act the enforcement of the contract according to its terms would result in serious hardship to him, may, after considering all the circumstances of the case and the position of all the parties to the contract and any offer which may have been made by any party for a variation of the contract, suspend or annul, or with the consent of the parties amend, as from such date as the court may think fit, or stay any proceedings for the enforcement of, the contract or any term thereof or any rights arising thereunder, on such conditions (if any) as the court may think fit.

(2) The Lord Chancellor may make such rules and give such directions as he thinks fit with respect to the procedure on applications under this section, and such rules may provide as to the notice to be given to other parties to the contract and the manner of giving such notice.

(3) In the application of this section to Scotland, references to "the High Court" and to "the Lord Chancellor" shall be construed as references to the "Court of Session," and references to "rules" shall be construed as references to "act of sederunt."

Power of Board of Trade to grant relaxations on recommendations of committee.

**5.**—(1) The Board of Trade may by order—

(*a*) reduce as respects articles of any class, make, or description the proportion of the value of the goods payable to the Commissioners under this Act, or exempt articles of any class, make, or description from the provisions of this Act;

(*b*) vary as respects articles of any class, make, or description the percentage referred to in section two of this Act;

(*c*) substitute as respects articles of any class, make, or description some later date for the fifteenth day of April mentioned in section one of this Act;

(*d*) extend the classes of contract to which section four of this Act relates:

Provided that the Board of Trade shall not make any such order except on the recommendation of a committee constituted as hereinafter provided.

(2) For the purposes aforesaid, the Board of Trade shall appoint one or more committees consisting mainly of persons of financial, commercial or industrial experience.

(3) Any order made by the Board of Trade under this Act shall be published in the London, Edinburgh, and Dublin Gazettes and in such other manner as the Board may consider best adapted for informing persons affected thereby.

(4) Anything authorised to be done by the Board of Trade under this Act may be done by the President, or a secretary, or assistant secretary, of the Board, or any person authorised in that behalf by the President.

Power to repeal or suspend Act.

**6.** If a resolution is passed by both Houses of Parliament for the repeal or suspension of this Act, it shall be lawful for His Majesty in Council by Order to repeal or suspend the operation of this Act to such extent, and, in the case of suspension, for such period, definite or indefinite, as may be specified in the resolution.

Short title and construction.

**7.**—(1) This Act may be cited as the German Reparation (Recovery) Act, 1921.

(2) This Act shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act.

Section 3.

## SCHEDULE.

### Customs Consolidation Act, 1876, Sections 30 and 31, as modified.

30. If any dispute arises as to the proper amount payable in respect of any goods the importer or consignee or his agent shall deposit in the hands of the collector of customs at the port of entry the amount demanded by such collector, which shall be deemed and taken as the proper sum payable under this Act unless an application is made for a reference to a referee appointed by the Treasury within three months after such deposit to ascertain what sum is payable in respect of such goods, and on payment of such deposit and on the passing of a proper entry for such goods by the importer, consignee, or agent, the collector shall allow the delivery thereof.

31. In case no such application for a reference is made, such deposit shall be applied in the same manner as if it had originally been paid and received as a payment due under this Act in respect of such goods, and in the case of such application if it shall be determined that the sum so deposited was not the proper sum, but that a less sum was payable, the difference between the deposit and the sum found to be due shall be returned to such importer with interest at the rate of five per cent. per annum for the period during which the sum so paid or returned was deposited, and shall be accepted by such depositor in satisfaction of all claims in respect of the importation of such goods and of all or any damages or expenses incident thereto.

## CHAPTER 6.

An Act to curtail the duration of and amend the Coal Mines (Emergency) Act, 1920, and for purposes connected therewith.

[24th March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Curtailment of duration and amendment of Act. 10 & 11 Geo. 5. c. 4.

**1.**—(1) The Coal Mines (Emergency) Act, 1920, as amended by any subsequent enactment, shall, so far as it is limited in duration, continue in force until the thirty-first day of March, nineteen hundred and twenty-one, and no longer, and the expression "the period of the operation of this Act" wherever it occurs in the said Act shall be construed accordingly.

(2) For the purpose of the provisions of the said Act relating to the pooling of profits, the period of the operation of the Act shall be divided into two periods, the one ending on the thirty-first day of December, nineteen hundred and twenty, and the other commencing on the first day of January, nineteen hundred and twenty-one, and the said provisions shall, in relation to each pooling period, have effect as if for references therein to the period of the operation of the Act there were substituted references to the pooling period in question.

(3) If, in either of the said pooling periods, the amount of the aggregate profits of all the undertakings, after such deduction or addition as is mentioned in subsection (2) of section one of the said Act, exceeds the aggregate of the total standards of all the undertakings, no part of the profits in excess of such aggregate shall be distributable amongst the several undertakings; and, accordingly, proviso (i) of subsection (1) of section one of the said Act shall have effect as if the words "plus one-tenth part of such excess" were omitted therefrom.

(4) In relation to the second pooling period, coal levy and coal award shall be calculated with reference to nine-tenths of the standard instead of with reference to the standard as if in paragraph (*a*) of subsection (1) of section two of the said Act for the words "the standard" wherever they occur in that paragraph there were substituted the words "nine-tenths of the standard."

(5) Paragraphs 2, 3, and 5 of the First Schedule to the Coal Mines (Emergency) Act, 1920, and as from the first day of April, nineteen hundred and twenty-one, 10 & 11 Geo. 5. c. 50.

section three of the Mining Industry Act, 1920, shall be repealed.

Short title and citation

**2.** This Act may be cited as the Coal Mines (Decontrol) Act, 1921, and the Coal Mines (Emergency) Act, 1920, and this Act may be cited together as the Coal Mines (Emergency) Acts, 1920 and 1921.

## CHAPTER 7.

An Act to make provision with respect to the taking of evidence before and the procedure and powers of certain Tribunals of Inquiry.

[24th March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers with respect to the taking of evidence, &c., before certain tribunals of inquiry.

**1.**—(1) Where it has been resolved (whether before or after the commencement of this Act) by both Houses of Parliament that it is expedient that a tribunal be established for inquiring into a definite matter described in the Resolution as of urgent public importance, and in pursuance of the Resolution a tribunal is appointed for the purpose either by His Majesty or a Secretary of State, the instrument by which the tribunal is appointed or any instrument supplemental thereto may provide that this Act shall apply, and in such case the tribunal shall have all such powers, rights, and privileges as are vested in the High Court, or in Scotland the Court of Session, or a judge of either such court, on the occasion of an action in respect of the following matters:—

(*a*) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise;

(*b*) The compelling the production of documents;

(*c*) Subject to rules of court, the issuing of a commission or request to examine witnesses abroad;

and a summons signed by one or more of the members of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) If any person—

(*a*) on being duly summoned as a witness before a tribunal makes default in attending; or

(*b*) being in attendance as a witness refuses to take an oath legally required by the tribunal to be taken, or to produce any document in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer; or

(*c*) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court;

the chairman of the tribunal may certify the offence of that person under his hand to the High Court, or in Scotland the Court of Session, and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

(3) A witness before any such tribunal shall be entitled to the same immunities and privileges as if he were a witness before the High Court or the Court of Session.

Powers of tribunals as to exclusion of public and granting right of audience.

**2.** A tribunal to which this Act is so applied as aforesaid—

(*a*) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given; and

(*b*) shall have power to authorise the representation before them of any person appearing to them to be interested to be by counsel or solicitor or otherwise, or to refuse to allow such representation.

Short title.

**3.** This Act may be cited as the Tribunals of Inquiry (Evidence) Act, 1921.

## CHAPTER 8.

An Act to make provision for the cessation of the Ministry of Munitions and the Ministry of Shipping. [24th March 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as to transfer of property, &c. on cessation of Ministries.

5 & 6 Geo. 5. c. 51.

6 & 7 Geo. 5. c. 68.

**1.**—(1) Any Order in Council made under section six of the Ministry of Munitions Act, 1915, or made under section thirteen of the New Ministries and Secretaries Act, 1916, fixing a date earlier than the termination of a period of twelve months after the conclusion of the present war as the date on which the office of Minister of Munitions and the Ministry of Munitions or the office of Shipping Controller and the Ministry of Shipping are to cease may—

(*a*) vest and transfer or provide for the vesting and transfer in and to any Government department or departments of any property, rights and liabilities held, enjoyed, or incurred by the Minister of Munitions or the Shipping Controller (or by any person who has held the office of Minister of Munitions or Shipping Controller);

(*b*) provide for the discontinuance of the powers of the Minister of Munitions or the Shipping Controller under the Defence of the Realm Regulations and any other powers;

(*c*) provide for the transfer to some other Government department or departments (notwithstanding anything in section six of the Ministry of Munitions Act, 1915, or section thirteen of the New Ministries and Secretaries Act, 1916) of such of the powers or duties of the Minister of Munitions or the Shipping Controller as are not so discontinued as aforesaid; and for the exercise or performance of the powers or duties so transferred by the department or under the direction of the department by any organisation which may be established in manner provided by the Order, and for enabling any such organisation to sue and be sued; and

(*d*) provide for the Government department to which any such property, rights, liabilities, powers or duties are transferred being deemed in law to be, as respects such property, rights, liabilities, powers or duties, the successor of the Minister of Munitions or the Shipping Controller: Provided that any organisation established under any such Order shall cease to exist not later than the thirty-first day of March, nineteen hundred and twenty-four.

(2) Any such order may contain such consequential, incidental, and supplemental provisions (including provisions as to the transfer of officers) as may appear necessary or proper for the purposes of the Order, and shall have effect as if enacted in this Act, but may be varied by a subsequent Order: Provided that any such subsequent Order shall be laid before both Houses of Parliament as soon as may be after it is made, and, if either House within twenty-one days on which the House has sat next after the Order is so laid presents an address to His Majesty against the Order, His Majesty in Council may revoke the Order without prejudice to anything previously done thereunder.

**2.** This Act may be cited as the Ministries of Munitions and Shipping (Cessation) Act, 1921. Short title.

# CHAPTER 9.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [28th April 1921.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of three hundred and forty-one thousand, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

7 & 8 Geo. 5. c. 51.

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty thousand eight hundred and eighty, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on

board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-one on the following days:— 44 & 45 Vict. c. 58.

(*a*) in the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the Army and Air Force (Annual) Act, 1921. Short title.

**2.**—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):— Army Act and Air Force Act to be in force for specified times.

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth

day of April, one thousand nine hundred and twenty-one, to the thirtieth day of April, one thousand nine hundred and twenty-two, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions. from the thirty-first day of July, one thousand nine hundred and twenty-one, to the thirty-first day of July, one thousand nine hundred and twenty-two, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

**3.** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

## AMENDMENTS OF ARMY AND AIR FORCE ACTS.

### *Part I.—Amendments of Army Act.*

Amendment of s. 180.

**4.** The following paragraph shall be substituted for paragraph (*d*) of subsection (2) of section one hundred and eighty of the Army Act:—

"(*d*) An officer belonging to His Majesty's Indian Forces who thinks himself wronged by his Commanding Officer, and on due application made to him does not receive the redress to which he may consider himself entitled, may complain to the Governor-General of India, who shall cause his complaint to be enquired into, and if so desired by the officer, make a report through a Secretary of State to His Majesty in order to receive the directions of His Majesty thereon."

*Part II.—Amendments of Army Act applicable also to the Air Force Act.*

Amendment of s. 18.

**5.** In paragraph (4) of section eighteen of the Army Act after the words "regimental institution" there shall be inserted the words "or to the Navy, Army, and Air Force Institutes."

Amendment of ss. 19 and 46.

**6.**—(1) In section nineteen of the Army Act (which relates to drunkenness) "five pounds" shall be substituted for "one pound" and at the end of the section the following proviso shall be inserted:—

"Provided that, where the offence of drunkenness is committed by a soldier not on active service or on duty, the sentence imposed shall not exceed detention for a period of six months, with or without the addition of the aforesaid fine."

(2) In paragraph (*b*) of subsection (2) of section forty-six of the Army Act (which relates to the power of a commanding officer to deal with cases of drunkenness) "two pounds" shall be substituted for "ten shillings."

Amendment of s. 46.

**7.** Subsection (5) of section forty-six of the Army Act (which relates to the period of detention which may be awarded for absence without leave) shall cease to have effect and shall be omitted.

Amendment of s. 46A.

**8.**—(1) In subsection (1) of section forty-six A of the Army Act (which relates to the power to deal summarily with charges against officers), after the words "general court-martial" there shall be inserted the words "and any officer (not under the rank of major-general) "appointed for the purpose by the Army Council," and the words "or by the Army Council" shall be omitted.

(2) In subsection (2) of section forty-six A after the word "evidence" where that word occurs for the second time, there shall be inserted the words "or, if the accused "consents thereto in writing, after reading a summary or "abstract of the evidence."

Amendments of s. 145.

**9.**—(1) Section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to

maintain his wife and children) shall be amended as follows:—

(*a*) in subsection (2) the words from "where the soldier is a warrant officer (Class I.)" to the end of the subsection inclusive shall be omitted, and the following words shall be inserted instead thereof:—

"Where the soldier is a warrant officer (Class I. or Class II.) not holding an honorary commission—in respect of a wife or children, four shillings, and in respect of a bastard child, three shillings;

"Where the soldier is a non-commissioned officer who is not below the rank of sergeant —in respect of a wife or children, three shillings, and in respect of a bastard child, two shillings;

"In the case of any other soldier—in respect of a wife or children, two shillings, and in respect of a bastard child, one shilling and sixpence."

(*b*) The following subsection shall be inserted after subsection (3):—

"(4) Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving as a soldier of the regular forces, whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able, or has since he ceased so to serve been able, to pay the arrears or any part thereof, and has failed to do so."

(2) Where an order had, before the coming into operation of this section, been made under section one hundred and forty-five of the Army Act authorising

deductions from pay, a further order may be made increasing the amount of the deduction to be made after the coming into operation of this section under the former order up to the limit authorised by this Act.

(3) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation, both in the British Isles and elsewhere, on the passing of this Act. 4 Edw. 7. c. 5.

Amendment of Schedule II.

**10.** Part I. of the Second Schedule to the Army Act (which relates to the accommodation to be furnished by the keeper of a victualling house) shall be amended as follows:—

In paragraph (*a*) of section (2), "five ounces" shall be substituted for "six ounces";

In paragraph (*b*) of section (2), "twelve ounces" shall be substituted for "one pound," "six ounces of bread" shall be substituted for "eight ounces of bread," and "one pint of beer or mineral water of equal value" shall be omitted;

In paragraph (*c*) of section (2), "five ounces" shall be substituted for "six ounces."

Application to Air Force.

**11.** References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the Air Force, have effect subject to any of the general modifications set out in Part I. of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and also with the substitution of a reference to "air force officer of air rank" for the reference to "officer (not under the rank of major-general)," and of a reference to "section twenty-seven of the Army and Air Force (Annual) Act, 1920," for the reference to "section fourteen of the Army (Annual) Act, 1904." 10 Geo. 5. c. 7. 4 Edw. 7. c. 5.

Section 3.

## SCHEDULE.

| Accommodation to be provided. | Maximum Price. |
|---|---|
| Lodging and attendance for soldier where meals furnished. | Tenpence per night for the first soldier and eightpence per night for each additional soldier. |
| Breakfast as specified in Part I. of the Second Schedule to the Army and Air Force Acts. | Ninepence each. |
| Dinner as so specified - - - - - | One shilling. |
| Supper as so specified - - - - - | Fivepence. |
| Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Tenpence per night for the first soldier and eightpence per night for each additional soldier. |
| Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse. | Two shillings and sixpence per day. |
| Stable room without forage - - - | Sixpence per day. |
| Lodging and attendance for officer - - | Three shillings per night. |

*Note.*—An officer shall pay for his food.

## CHAPTER 10.

An Act to settle and secure an Annuity upon the Right honourable James William Lowther in consideration of his eminent Services.

[12th May 1921.]

Most Gracious Sovereign,

WHEREAS the Commons of the United Kingdom of Great Britain and Ireland did, by an humble address to Your Majesty, pray Your Majesty that You would be graciously pleased to confer some signal mark of Your Royal Favour upon the Right honourable James William Lowther, Speaker of the House of Commons, for his eminent services during the important period in which he had with such distinguished ability and dignity presided in the Chair of the House, and did assure Your Majesty that whatever expense Your Majesty should

think fit to be incurred upon that account the said House would make good the same:

And whereas Your Majesty, in answer to the said address, was graciously pleased to declare that Your Majesty was desirous, in compliance with the wishes of your faithful Commons, to confer upon the said Right honourable James William Lowther some signal mark of Your Royal Favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the adoption of such measures as might be necessary for the accomplishment of that purpose:

Now we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, have resolved that the annual sum of four thousand pounds be granted to Your Majesty out of the Consolidated Fund of the United Kingdom, to begin upon the day upon which the Right honourable James William Lowther, late Speaker of the House of Commons, ceased to hold the office of Speaker of the House of Commons, to be settled in the most beneficial manner upon, and to continue during the life of, him the said Right honourable James William Lowther, and do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annuity of 4,000*l.* to be paid to the Right honourable James William Lowther.

**1.** One annuity of four thousand pounds shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the Right honourable James William Lowther, during his natural life, beginning on the day upon which he ceased to hold the office of Speaker of the House of Commons:

Provided that one half of the annuity shall abate and be suspended during any period during which the said Right honourable James William Lowther hereafter holds any place, office, or employment under His Majesty of equal or greater amount in salary, profits, or emolument than the amount of the annuity.

Short title.

**2.** This Act may be cited as Mr. Speaker's Retirement Act, 1921.

# CHAPTER 11.

## An Act to carry into effect a Treaty of Peace between His Majesty and certain other Powers.

[12th May 1921.]

WHEREAS, at Trianon, on the fourth day of June, nineteen hundred and twenty, a Treaty of Peace with Hungary, including a protocol and declaration annexed thereto, was signed on behalf of His Majesty:

And whereas copies of the said Treaty have been laid before each House of Parliament, and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of His Majesty to give effect to Peace Treaties.

**1.**—(1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty.

(2) Any Order in Council made under this Act may provide for the imposition, by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council, and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893:

56 & 57 Vict. c. 66.

Provided that, if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled, His Majesty in Council may annul the Order or such part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(3) Any expenses incurred in carrying out the said Treaty shall be defrayed out of moneys provided by Parliament.

2. This Act may be cited as the Treaty of Peace (Hungary) Act, 1921. Short title.

## CHAPTER 12.

An Act to make further provision with respect to arrangements by local authorities for the treatment of tuberculosis. [12th May 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where the council of any county or county borough has, before the passing of this Act, made arrangements for the treatment of persons suffering from tuberculosis (including persons insured under the National Health Insurance Acts, 1911 to 1920) at or in dispensaries, sanatoria, and other institutions in accordance with a scheme approved by the Local Government Board or the Minister of Health, that council shall, for the purposes of this Act, be deemed to have made adequate arrangements for the treatment of tuberculosis so long as such scheme, with such modifications, if any, as the Minister may on the application of the council from time to time approve, continues in operation. Further provision with respect to arrangements for treatment.

In the application of this subsection to Wales an agreement made with the King Edward the Seventh Welsh National Memorial Association, and approved by the Welsh Insurance Commissioners or the Minister of Health, shall be treated as equivalent to a scheme approved by the Minister of Health, and an application made by that association with the approval of a council shall be deemed to be an application of the council.

(2) Where the council of any county or county borough fails to make adequate arrangements for the

treatment of tuberculosis at or in dispensaries, sanatoria, and other institutions approved by the Minister, the Minister may, after giving the council an opportunity of being heard, make such arrangements as he may think necessary for the purpose of such treatment.

Any expenses incurred by the Minister in arranging for such treatment may be paid in the first instance by the Minister out of moneys provided by Parliament, and the amount of any expenses certified by the Minister to have been so incurred shall be paid to the Minister on demand by the council and shall be recoverable as a debt due to the Crown.

This subsection shall not apply in the case of any council which at the date of the passing of this Act is deemed to have made adequate arrangements as aforesaid and which fails to continue to make such arrangements by reason only of the withdrawal of, or diminution in the rate of, the contributions made from the Exchequer before the passing of this Act to the councils of counties and county boroughs in aid of the treatment of tuberculosis.

After-care by councils of counties and county boroughs.

**2.** Without prejudice and in addition to any other power, whether under this or any other Act, every council of a county or county borough shall have power to make such arrangements as they may think desirable for the after-care of persons who have suffered from tuberculosis (including persons for the time being insured under the National Insurance Act, 1911, as amended or extended by any past or future enactment), and the provisions of this Act relating to committees and joint committees shall extend accordingly as though in those provisions the expression "treatment of tuberculosis" included such after-care.

1 & 2 Geo. 5. c. 55.

Approval of institutions.

**3.** Any approval by the Minister of Health of an institution for the treatment of tuberculosis may be given for such time and subject to such conditions as the Minister may think fit, and the Minister shall have power to withdraw any such approval.

Power to act through committees.

**4.** The powers of a county or county borough council in relation to the treatment of tuberculosis (other than the power of raising a rate or of borrowing money) may be exercised through a committee of the council or through a sub-committee of any committee, and the council and, sub-

ject to any directions of the council, the committee may appoint as members of the committee or sub-committee, as the case may be, persons (including members of insurance committees) who are not members of the council, being persons specially qualified by training or experience in matters relating to the treatment of tuberculosis, but not less than two-thirds of the members of such committee or sub-committee shall consist of members of the council.

Joint committees.

**5.**—(1) For the purpose of facilitating co-operation between county councils and county borough councils in the exercise of the powers conferred upon them by any enactment to make arrangements for the treatment of tuberculosis, the Minister may by order, with the consent of the councils concerned, make such provision as appears to him necessary or expedient, by the constitution of joint committees or otherwise, for the joint exercise by such councils of all or any of their powers in relation thereto, and any such order may provide how, in what proportions, and out of what funds or rates, the expenses incurred by such councils are to be defrayed, and may contain such consequential, incidental, and supplemental provisions as may appear necessary for the purposes of the order.

(2) Every such joint committee shall be a body corporate by such name as the order constituting the committee may direct, and shall have perpetual succession and a common seal, and may hold land for the purpose of their powers and duties without licence in mortmain.

(3) Any joint committee constituted under any enactment repealed by this Act shall continue in existence and have all the powers which may be exercised by any joint committee constituted under this section, and any order constituting such joint committee shall continue in force and have effect accordingly.

Powers of Metropolitan Asylums Board.

**6.** The managers of the Metropolitan Asylums District may, with the approval of the Minister of Health, enter into agreements with the council of any county or county borough for the reception of persons suffering from tuberculosis in hospitals or sanatoria provided by the managers.

Further provision with respect

**7.**—(1) The Minister may by order constitute an advisory committee for the purpose of assisting the

to treatment of seamen.

council of any county or county borough in making arrangements for the treatment of any persons suffering from tuberculosis who are masters, seamen, or apprentices to the sea service or the sea-fishing service.

(2) An order under this section may provide—

(*a*) For the representation on the said committee of any society approved under the National Health Insurance Acts, 1911 to 1920, more than three-fourths of whose members are such masters, seamen and apprentices as aforesaid, and of the council of any county or county borough having a substantial number of such masters, seamen, and apprentices resident within their area, and may contain such other provisions as may appear necessary to the Minister for giving effect to the order; and

(*b*) If the governing body constituted under subsection (6) of section forty-eight of the National Insurance Act, 1911, as amended by section twenty-seven of the National Health Insurance Act, 1918, agree to contribute, out of the special fund referred to in the said subsection (6), towards the expenses of the said committee, for the appointment by the governing body aforesaid from among their own members of the representatives on the said committee of all such societies as aforesaid.

7 & 8 Geo. 5. c. 62.

(3) An order made under this section may be revoked or varied by another order so made.

Expenses.

**8.**—(1) Any expenses incurred under this Act by a county council shall be defrayed as expenses for general county purposes, or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order.

(2) Any expenses incurred under this Act by the council of a county borough shall be defrayed as part of the expenses of the council in the execution of the Public Health Acts, 1875 to 1908.

**9.**—(1) This Act may be cited as the Public Health (Tuberculosis) Act, 1921. Short title, repeal, and application.

(2) The enactments specified in the second column of the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(3) This Act shall not apply to Scotland or Ireland.

## SCHEDULE.

Section 9.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 1 & 2 Geo. 5. c. 55. | National Insurance Act, 1911. | Subsection (3) of section sixty-four. |
| 6 & 7 Geo. 5. c. 12. | Local Government (Emergency Provisions) Act, 1916. | Section sixteen. |

## CHAPTER 13.

### An Act to prohibit the use of Captive Birds in all Shooting carried on under artificial conditions.

[1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** Every person who shall promote, arrange, conduct, assist in, receive money for, or take part in, any meeting, competition, exhibition, pastime, practice, display, or in any event whatever, at or in the course of which captive Penalties.

birds are liberated by hand or by trap, contrivance, or other means for the purpose of being shot at the time of their liberation, or who, being the owner or occupier or person in charge of any premises, shall permit his premises or property, or any part thereof, to be used for any such purpose, shall be liable upon summary conviction to a fine not exceeding twenty-five pounds, or alternatively or in addition thereto to be imprisoned with or without hard labour for a term not exceeding three months.

Short title.

**2.** This Act may be cited as the Captive Birds Shooting (Prohibition) Act, 1921.

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## CHAPTER 14.

An Act to amend the Protection of Animals Act, 1911. [1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Protection of Animals Act, 1911. 1 & 2 Geo. 5. c. 27. s. 1, subs. 3 (*b*).

**1.** The first section of the Protection of Animals Act, 1911, subsection (3), paragraph (*b*), shall be amended by the addition thereto of the following words:—

"and a captive animal shall not be deemed to be coursed or hunted within the meaning of this subsection if it is coursed or hunted in an enclosed space from which it has no reasonable chance of escape."

Short title.

**2.** This Act may be cited as the Protection of Animals Act (1911) Amendment Act, 1921.

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## CHAPTER 15.

An Act to vary the rates of contribution and the rates and periods of benefit under the Unemployment Insurance Acts, 1920 and 1921, and otherwise to amend those Acts.

[1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Rates of unemployment benefit.
10 & 11 Geo. 5. c. 30.
11 Geo. 5. c. 1.

**1.**—(1) While this section is in force unemployment benefit under the Unemployment Insurance Acts, 1920 and 1921, shall be at the weekly rates of fifteen shillings for men and twelve shillings for women, or such other weekly rates as may be prescribed, instead of at the rates provided by section one of the Act of 1921, and paragraph (6) of the Second Schedule to the principal Act shall have effect as originally enacted, instead of as amended by the Second Schedule to the Act of 1921.

(2) This section shall come into operation on the thirtieth day of June, nineteen hundred and twenty-one, and shall continue in force until the expiration of the deficiency period.

Rates of contribution.

**2.** Section two of the Act of 1921 (which makes provision with respect to contributions) shall have effect as if the rates set out in the Schedule to this Act were substituted for the rates set out in the First Schedule to that Act, and as if "fourpence" were therein substituted for "twopence," and the provisions of that section providing for increases in the rates of contribution shall continue in force until the expiration of the deficiency period or the first day of July, nineteen hundred and twenty-three, whichever is the later, and the contribution to be made out of moneys provided by Parliament shall be increased accordingly.

Period of unemployment benefit.

**3.**—(1) If it appears to the Minister that having regard to all the circumstances of the case it is expedient in the public interest that a person who has in either of the special periods mentioned in the Act of 1921 received unemployment benefit for periods amounting in the

aggregate to sixteen weeks, should be allowed to receive benefit for any further periods within that special period, the Minister may, subject as hereinafter provided, authorise the payment of benefit to that person within that special period for further periods not exceeding in the aggregate six weeks, and where the Minister so authorises the payment of benefit sections three and four of the Act of 1921 shall have effect as if in relation to that person there were substituted for sixteen weeks such number of weeks as is equal to sixteen increased by the number of weeks in respect of which payment of benefit is authorised under this subsection.

Any application under this subsection for the allowance of further benefit may, if the Minister thinks fit, be referred to a local employment committee.

(2) Where any person in respect of whom contributions were credited under section forty-one of the principal Act, being a person to whom section three of the Act of 1921 did not apply, is at any time during either of the special periods not entitled to receive unemployment benefit by reason of the provisions of paragraph three of the Second Schedule to the principal Act, the Minister may autnorise the payment of unemployment benefit to that person during that period as if he were a person who had received unemployment benefit during that period for periods amounting in the aggregate to sixteen weeks, and for the purpose of qualifying any such person to receive unemployment benefit under this subsection, but for no other purpose, there shall be treated as having been paid in respect of him such number of contributions as are sufficient so to qualify him.

(3) As from and after the thirtieth day of June, nineteen hundred and twenty-one, paragraph (1) of the Second Schedule to the principal Act (which provides that unemployment benefit shall be payable in respect of each week of any continuous period of unemployment after the first three days of unemployment) shall have effect as if the words "the first week" were therein substituted for the words "the first three days," and paragraph (*b*) of subsection (2) of section seven of the principal Act (which defines a continuous period of unemployment) shall have effect as if the words "one week" were therein substituted for the words "three days."

(4) The power of the Minister to make regulations under section thirty-five of the principal Act shall include power to make regulations providing, in the case of any persons who are insured at the commencement of this Act, for the transition from the provisions of the Unemployment Insurance Acts, 1920 and 1921, to the provisions of those Acts as amended by this Act.

Amendment as to Treasury advances.

**4.** Section five of the Act of 1921 (which authorises the Treasury to make advances for the purpose of discharging the liabilities of the unemployment fund under the principal Act as amended by the Act of 1921) shall have effect as though the reference therein to the Act of 1921 included a reference to this Act, and as though twenty million pounds were substituted for ten million pounds as the limit on the amount of the advances under that section which may be outstanding at any time.

Suspension of power to make special schemes.

**5.** The power of the Minister under section eighteen of the principal Act to make special orders approving or making special schemes shall not be exercised during the deficiency period:

Provided that this section shall not apply in any case where before the eighth day of June, nineteen hundred and twenty-one, a draft scheme appearing to the Minister to be complete has been submitted to him and application has, before that date, been made to him to approve the scheme in accordance with the provisions of section eighteen of the principal Act.

Disqualification for unemployment benefit.

**6.**—(1) Where the number of the contributions paid in respect of any person since the beginning of the last preceding insurance year (whether that year ended before or after the passing of this Act) is less than twenty, then, notwithstanding any provision to the contrary in the Unemployment Insurance Acts, 1920 and 1921, that person shall not be entitled to receive unemployment benefit unless he complies with the conditions specified in subsection (3) of section three of the Act of 1921.

(2) This section shall have effect as from and after the third day of July, nineteen hundred and twenty-one.

Repeal of s. 44 of 10 & 11 Geo. 5. c. 30.

**7.** Section forty-four of the principal Act (which makes provision with respect to benefit for the first twelve months of the operation of that Act) is hereby repealed as from the thirtieth day of June, nineteen hundred and twenty-one.

Provision for temporary payment of benefit.

**8.** Where it is not practicable to ascertain in the case of any person who would, if the provisions of this Act relating to disqualification for the receipt of unemployment benefit and repealing section forty-four of the principal Act had not passed, have been entitled to receive such benefit, whether he does or does not satisfy the requirements of section three of the Act of 1921, the Minister may, during the period of six weeks next after the passing of this Act, authorise payment of benefit to that person as if he were a person who had complied with those requirements.

Application of National Insurance Acts to certain members of the forces.

**9.**—(1) Where, after the passing of this Act, any person—

(*a*) being a man of the Naval Reserves, Army Reserve, or Air Force Reserve is called into actual service or called out for permanent service, as the case may be, on an occasion of great emergency; or

(*b*) enlists as a soldier in the Regular Army or as an airman in the Air Force on any such occasion as aforesaid for service during the emergency;

he shall, during the period of four months from the date on which he is so called into actual service or called out for permanent service or enlists, as the case may be, or during the period between that date and the date on which he is discharged, whichever period is the shorter, be treated for the purposes of section forty of the principal Act, as amended by any subsequent enactment, as if he were a man of the Naval Reserves, Army Reserve, or Air Force Reserve, as the case may be, undergoing training and in receipt of pay out of the moneys provided by Parliament for the Navy, Army, and Air Force services.

(2) Section forty-one of the principal Act shall not apply in the case of any person to whom the preceding subsection applies if he is discharged within the aforesaid period of four months, and, where any such person is not discharged within that period, the sum payable in respect of him under the said section on his discharge shall be reduced by the amount of any contributions paid in respect of him during that period under the Unemployment Insurance Acts, 1920 and 1921, and those contributions shall be deemed not to have been made in respect of him.

(3) In this section references to discharge include references to transfer to the reserve in the case of a seaman, marine, soldier, or airman who on the completion of his term of service is transferred to any reserve.

Amendment of 10 & 11 Geo. 5. c. 30. s. 7.

**10.** Section seven of the Unemployment Insurance Act, 1920 (which prescribes statutory conditions for receipt of unemployment benefit), shall have effect as if to subsection (1) there were added the following:—

Provided that, where it is held that an insured contributor has not fulfilled the statutory condition that he is capable of and available for work, but unable to obtain suitable employment, the application of such insured contributor for unemployment benefit shall, if he renews his application, be reviewed from time to time at the expiration of periods of not less than six weeks.

Amendment of Part II. of First Schedule to 10 & 11 Geo. 5. c. 30. 9 & 10 Geo. 5. c. 46.

**11.** Part II. of the First Schedule to the principal Act as amended by the Second Schedule to the Act of 1921, shall have effect as though there were inserted therein after paragraph (*c*) the following new paragraph—

"(*cc*) employment otherwise than in a temporary capacity as a member of any police force to which the Police Act, 1919, applies;"

and as though there were inserted therein at the end of paragraph (*d*) thereof the following words: "and provided further that in the case of employment under a local or other public authority the Minister may, if any enactment relating to the superannuation of persons in that employment provides for the aggregation of service in that employment under two or more employers, whether the service has been continuous or not, treat such service for the purposes of the foregoing provision as if it had been service in the same employment," and paragraph (ii) of paragraph (*d*) of the said Part II. is hereby repealed.

Amendment of s. 17 of the principal Act.

**12.** If it appears to the Minister that the payments authorised by the rules of a society or other association to be made to its members when unemployed are to be made at intervals and during periods which are reasonable, and that the aggregate amount of such payments during a period of twelve months will be equivalent to the aggregate of the amounts which would have been

necessary to satisfy the requirements of proviso (*a*) to subsection (1) of section seventeen of the principal Act, the Minister may, notwithstanding anything in the said proviso, make or continue an arrangement with that society or association under the said section.

Provision with respect to payment of unemployment benefit during certain periods.

**13.** Where, under arrangements made by the Minister of Labour with the consent of the Treasury for the purpose of dealing with any emergency, payments have been made (whether before or after the passing of this Act) to any persons by way of unemployment benefit without due proof of the fulfilment of any one or more of the statutory conditions or otherwise than in accordance with the requirements of the enactments relating to the payment of unemployment benefit, the payments so made shall, for the purposes of the provisions of the principal Act, be deemed to be payments of unemployment benefit duly made, but without prejudice to the provisions of subsection (5) of section twenty-two of that Act.

Amendment of s. 9 (4) of 11 & 12 Geo. 5. c. 1.

**14.** Subsection (4) of section nine of the Act of 1921 (which contains a saving with respect to the provision for unemployment benefit which may be required to be made by an association for the purposes of section seventeen of the principal Act) shall have effect as though the third day of July, nineteen hundred and twenty-two, were therein substituted for the third day of November, nineteen hundred and twenty-one, and as though the words "under the principal Act as originally enacted" were substituted for the words "if this Act had not passed" where those words secondly occur.

Application of Act to Ireland. 10 & 11 Geo. 5. c. 67.

**15.** For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

Interpretation and short title.

**16.**—(1) In this Act—

The expression "principal Act" means the Unemployment Insurance Act, 1920:

The expression "Act of 1921" means the Unemployment Insurance Act, 1921:

The expression "the deficiency period" means the period between the passing of this Act and the date certified by the Treasury to be the date on which the unemployment fund, in the opinion

of the Treasury, having regard to all the circumstances of the case, is solvent:

Provided that the unemployment fund shall not be deemed to be solvent while any advances made by the Treasury for the purpose of discharging the liabilities of the unemployment fund are outstanding.

(2) This Act may be cited as the Unemployment Insurance (No. 2) Act, 1921, and shall be construed as one with the principal Act, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 and 1921.

## SCHEDULE.

Section 2.

ORDINARY RATES OF CONTRIBUTIONS BY EMPLOYED PERSONS AND EMPLOYERS.

From the employed person in each week—

| | |
|---|---|
| In the case of men | 7*d.* |
| ,, ,, women | 6*d.* |

From the employer in each week—

| | |
|---|---|
| In the case of employed persons being men | 8*d.* |
| ,, ,, ,, women | 7*d.* |

RATES IN CASE OF PERSONS UNDER 18.

From the employed person in each week—

| | |
|---|---|
| In the case of boys | 3½*d.* |
| ,, ,, girls | 3*d.* |

From the employer for each week—

| | |
|---|---|
| In the case of employed persons being boys | 4*d.* |
| ,, ,, ,, girls | 3½*d.* |

# CHAPTER 16.

## An Act to prohibit the importation of Plumage.

[1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prohibition on importation of plumage.

**1.**—(1) Subject to the provisions of this Act, a person shall not import into the United Kingdom the plumage of any bird.

(2) Goods prohibited to be imported by virtue of this Act shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

39 & 40 Vict. c. 36.

Exemptions and licences.

**2.**—(1) The plumage of the following birds, namely—

(*a*) birds for the time being included in the Schedule to this Act;

(*b*) birds imported alive;

(*c*) birds ordinarily used in United Kingdom as articles of diet;

is excepted from the prohibition on importation imposed by this Act.

(2) The prohibition on importation imposed by this Act shall not apply to any plumage imported as part of the wearing apparel of a passenger if, in the opinion of the Commissioners of Customs and Excise, that plumage is bonâ fide intended and is reasonably required for the personal use of the passenger.

(3) Where an application is made to the Board of Trade for the addition to or removal from the Schedule to this Act of the name of any bird, the Board may, after taking into consideration the recommendation made in the matter by the advisory committee to be appointed under this Act, by order add to the said Schedule or remove therefrom, as the case may be, the name of that bird.

An Order made under this provision shall specify the name of the species and of the order, if any, to which the bird mentioned in the Order belongs.

(4) The Board of Trade may grant to any person a licence subject to such conditions and regulations as they may think fit authorising the importation of plumage for any natural history or other museum, or for the purpose of scientific research, or for any other special purpose.

(5) Any person importing plumage under a licence granted in pursuance of this section shall on importation deliver to an officer of Customs and Excise a written declaration as to the nature of the plumage and the purpose for which it is imported, and any person importing any plumage which is alleged to be excepted from the prohibition on importation imposed by this Act shall, if so required, deliver to an officer of Customs and Excise a written declaration as to the nature of the plumage and the ground on which it is alleged to be so excepted.

(6) Anything authorised or required under this Act to be done to or by the Board of Trade may be done to or by the President, a secretary or an assistant secretary, of the Board, or to or by any person authorised in that behalf by the President of the Board.

Appointment of advisory committee.

**3.** Within four months of the passing of this Act, the Board of Trade shall appoint an advisory committee consisting of—

(*a*) An independent chairman,
(*b*) Two experts in ornithology,
(*c*) Three experts in the feather trade,
(*d*) Four other members.

All applications for addition to or removal from the Schedule to this Act shall be made to the Board of Trade, which shall refer such applications to the advisory committee, which shall, after due inquiry, submit a recommendation to the Board of Trade in regard thereto.

Interpretation, short title, and commencement.

**4.**—(1) In this Act the expression "plumage" includes the skin or body of a bird with the plumage on it.

(2) This Act may be cited as the Importation of Plumage (Prohibition) Act, 1921.

(3) This Act shall come into operation on the expiration of nine months after the passing thereof.

Sections 2 and 3.

## SCHEDULE.

African ostriches.

Eider ducks.

## CHAPTER 17.

An Act to explain proviso (4) to section twelve of the Agriculture Act, 1920, and the First Schedule to that Act so far as that Schedule amends subsection (1) of section one of the Agricultural Holdings Act, 1908, and the Agricultural Holdings (Scotland) Act, 1908, and to remove doubt as to the procedure in arbitrations as to rent under section ten of the Agriculture Act, 1920. [1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Explanation of certain provisions of Agriculture Act, 1920. 10 & 11 Geo. 5. c. 76. 8 Edw. 7. c. 28.

**1.**—(1) Where a demand in writing for arbitration as to the rent to be paid for a holding has been made for the purposes of section ten of the Agriculture Act, 1920 (which relates to compensation for disturbance), and has been agreed to, whether in writing or otherwise, the question as to the rent shall be referred to arbitration under the Agricultural Holdings Act, 1908.

(2) Proviso (4) to section twelve of the Agriculture Act, 1920 (which applies the provisions of that Act relating to compensation for disturbance to cottages on agricultural holdings), shall have effect, and be deemed always to have had effect, as though the words "recoverable summarily from the tenant" were therein substituted for the words "recoverable summarily by the tenant."

(3) The First Schedule to the Agriculture Act, 1920 (which sets out certain minor amendments to be made in the Agricultural Holdings Act, 1908), shall have effect, and be deemed always to have had effect, as though the words "In subsection (1) after the words 'in this Act " ' mentioned' there shall be inserted the words 'and, " ' in a case where the contract of tenancy was made on " ' or after the first day of January, nineteen hundred " ' and twenty-one, then' " were therein substituted for the words "In subsection (1) after the word 'Act,' where " that word first occurs, there shall be inserted the words " ' and the tenancy was entered upon after the first day " ' of January, nineteen hundred and twenty-one.' "

Short title and construction.

**2.**—(1) This Act may be cited as the Agriculture (Amendment) Act, 1921.

(2) This Act shall, so far as it relates to England and Wales, be construed as one with the Agricultural Holdings Acts, 1908 to 1920, and, so far as it relates to Scotland, be construed as one with the Agricultural Holdings (Scotland) Acts, 1908 to 1920, and this Act and those Acts respectively may be cited together as the Agricultural Holdings Acts, 1908 to 1921, or the Agricultural Holdings (Scotland) Acts, 1908 to 1921, as the case may be.

## CHAPTER 18.

An Act to make provision with respect to the validity of certain decrees granted in India for the dissolution of the marriage of persons domiciled in the United Kingdom.

[1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Validity of decrees. [Act No. 4 of 1869.]

**1.** Any decree granted under the Act of the Indian Legislature known as the Indian Divorce Act, 1869, and confirmed or made absolute under the provisions of that Act, for the dissolution of a marriage the parties to

which were at the time of the commencement of the proceedings domiciled in the United Kingdom, and any order made by the court in relation to any such decree, shall, if the proceedings were commenced before the passing of this Act, be as valid, and be deemed always to have been as valid, in all respects, as though the parties to the marriage had been domiciled in India.

Short title.

**2.** This Act may be cited as the Indian Divorces (Validity) Act, 1921.

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## CHAPTER 19.

An Act to amend the law relating to the Housing of the People, and for purposes in connection therewith. [1st July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 1 of 9 & 10 Geo. 5. c. 99.

**1.**—(1) Subsection (2) of section one of the Housing (Additional Powers) Act, 1919 (which prescribes the conditions under which grants may be made to persons constructing houses), shall have effect, and shall be deemed always to have had effect, as though two years and six months were therein substituted for twelve months :

Provided that any certificate approving a proposal to construct houses issued before the commencement of this Act in pursuance of a scheme made under subsection (1) of the said section shall cease to have effect on the first day of July, nineteen hundred and twenty-one, so far as relates to any house the construction of which has not been commenced before that date.

(2) Any conditions prescribed after the passing of this Act by the Minister of Health, (in this Act referred to as "the Minister"), under paragraph (*a*) of the said subsection (2) shall be prescribed by regulations made by the Minister, and any regulation made in pursuance

of this subsection shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after the regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Repeal of s. 5 of 9 & 10 Geo. 5. c. 99.

**2.** Section five of the Housing (Additional Powers) Act, 1919 (which gives power to local authorities to prohibit operations which interfere with the provision of dwelling-houses), and all orders made under that section shall cease to have effect.

Repealed by the Housing Act 1923

Execution of works, &c., by local authorities outside their own districts in connection with housing schemes.

9 & 10 Geo. 5. c. 35.
53 & 54 Vict. c. 70.

**3.**—(1) Where a housing scheme approved under section one of the Housing, Town Planning, &c., Act, 1919 (which requires local authorities within the meaning of Part III. of the Housing of the Working Classes Act, 1890, to prepare and submit to the Minister schemes for the exercise of their powers under the said Part), is being carried into effect by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power—

Repealed by the Housing Act 1923

(*a*) to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the scheme, subject to entering into agreements with the council of any county or district in which the scheme is being carried out as to the terms and conditions on which any such works are to be executed :

(*b*) to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the scheme or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection with any such works as aforesaid: Provided that any order of the Minister, in so far as it relates to the sanction of a loan under the foregoing provisions for the purpose of the payment of interest payable in respect of money borrowed, shall be provisional only and shall be of no effect until confirmed by Parliament :

(*c*) to advance to any such council as aforesaid such sums as may by reason of any agreement made under this section be required by that council in connection with the construction by the council of any such works as aforesaid.

(2) The council of any county or district in which a scheme is being carried out as aforesaid shall have power, with the approval of the Minister, to borrow money for the purposes of any agreement entered into by the council under this section.

Extension of s. 7 (2) of 9 & 10 Geo. 5. c. 99.

Repealed by the Housing Act 1925

**4.** The power conferred on the Minister by subsection (2) of section seven of the Housing (Additional Powers) Act, 1919, of imposing by general or special order conditions with regard to the raising by a county council of money to be lent by the council to a local authority within their area for the purposes of the Housing Acts, 1890 to 1919, shall be deemed to include, and always to have included, a power to impose conditions with respect to the borrowing by a local authority from a county council of money so raised.

Rate of interest on certain advances and expenses. 62 & 63 Vict. c. 44. 9 Edw. 7. c. 44.

Repealed as respects so far as it amends the Small Dwellings Acquisition Act 1899 by the Housing Act 1925

**5.** The rate of interest on advances under section one of the Small Dwellings Acquisition Act, 1899 (which empowers a local authority to advance money to residents in houses for the purchase thereof), and on expenses incurred by a local authority under section fifteen of the Housing, Town Planning, &c., Act, 1909 (which provides for the recovery from the landlord by the local authority of expenses incurred by them in rendering a house fit for human habitation), or under section twenty-eight of the Housing, Town Planning, &c., Act, 1919 (which provides for the recovery from the owner by the local authority of expenses so incurred as aforesaid), shall, as regards advances made and expenses incurred after the commencement of this Act, be such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, and different rates of interest may be fixed for different purposes and in different cases.

Amendment as to meaning of "public utility society" and "authorised association" in

**6.** Part I. of the Housing, Town Planning, &c., Act, 1919, shall have effect as though in the definition of the expression "public utility society" in section forty of that Act the words "the issue of any share or loan capital with "interest or dividend exceeding the rate for the time "being prescribed by the Treasury" were substituted for

the words "the payment of any interest or dividend at a "rate exceeding six per cent. per annum," and section ten of the Housing (Additional Powers) Act, 1919 (which authorises the acquisition of land for the purposes of garden cities or town planning schemes), shall have effect as though in the definition of "authorised association" in subsection (4) thereof the words to be substituted as aforesaid were substituted for the words "payment of any "interest or dividend at a higher rate than six per "centum per annum," and any public utility society or authorised association shall have, and shall be deemed always to have had, power, notwithstanding anything in their rules or constitution prohibiting the payment of any interest on loan capital at a rate exceeding six per cent. per annum, to raise money on loan at a rate of interest not exceeding the rate for the time being prescribed by the Treasury as aforesaid.

Part I. of 9 & 10 Geo. 5. c. 35, and s. 10 of 9 & 10 Geo. 5. c. 99. Repealed except so far as it amends s. 10 of the Housing (Additional Powers) Act 1919 by the Housing Act 1925 and, so far as unrepealed, by the Town Planning Act 1925

**7.**—(1) Subject to such conditions as the Treasury may prescribe and up to an amount approved by the Treasury, the Public Works Loan Commissioners may advance by way of loan to any authorised association, within the meaning of section ten of the Housing (Additional Powers) Act, 1919, such money as the association may require for the purpose of developing a garden city in accordance with a scheme approved by the Minister, and section sixty-seven of the Housing of the Working Classes Act, 1890 (which makes provision with respect to loans by the Commissioners aforesaid), as amended by section twenty of the Housing, Town Planning, &c., Act, 1919, shall, subject to the provisions of this section, apply to any advance made in pursuance of this section as it applies to a loan to a public utility society.

Advances for development of garden cities. Repealed by the Town Planning Act 1925

(2) The power to make advances under this section shall be exercised during such period as the Treasury may prescribe.

**8.**—(1) The London County Council shall, subject to such conditions as may be prescribed by regulations made by the Minister with the consent of the Treasury, repay to the council of a metropolitan borough any loss which may be incurred by that council in carrying out a scheme to which section seven of the Housing, Town Planning, &c., Act, 1919, applies, and any payments so made by the London County Council shall be deemed to

Amendment of s. 41 of 9 & 10 Geo. 5. c. 35.

have been made as part of the expenses incurred by them in carrying out a scheme to which that section applies.

(2) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Subscriptions by local authorities to local savings committees.

**9.** A local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, may, subject to the approval of the Minister, contribute to the expenses of any local savings committee established for their area or any part of their area.

Application to Ireland.

**10.** This Act in its application to Ireland shall have effect with the following modifications:—

(1) References to the Minister of Health or the Minister shall be construed as references to the Local Government Board for Ireland, and the reference to the Public Works Loans Commissioners shall be construed as a reference to the Commissioners of Public Works in Ireland:

(2) References to Part I. and to sections one, twenty, twenty-eight, and forty of the Housing, Town Planning, &c., Act, 1919, shall respectively be construed as references to Part I. and to sections one, sixteen, twenty-three, and thirty-three of the Housing (Ireland) Act, 1919, and other references to the first-mentioned Act shall not apply:

9 & 10 Geo. 5. c. 45.

(3) A certificate for the purposes of subsection (2) of section one of the Housing (Additional Powers) Act, 1919, may be granted by a local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, as respects houses situate outside its area, if they are situate within such distance from the boundary of that area as may be specified in a scheme made under the said section one, and are not situate within the area of any other such local authority:

(4) Where a petition has been presented under section six of the Housing of the Working Classes (Ireland) Act, 1908, respecting a portion only of a Provisional Order made by an inspector of the Local Government Board for Ireland, that Board may divide the order into two orders, and the new order containing the portion of the original order to which the petition does not relate may be confirmed in like manner as an order in respect of which no petition has been presented, and the new order containing the portion of the original order to which the petition relates may be confirmed or disallowed in pursuance of the said section: 8 Edw. 7. c. 61.

(5) The Housing of the Working Classes (Ireland) Acts, 1890 to 1919, and this Act, so far as it amends those Acts, may be cited together as the Housing of the Working Classes (Ireland) Acts, 1890 to 1921:

(6) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

**11.**—(1) This Act may be cited as the Housing Act, 1921. Short title, extent, and repeal.

(2) The Housing (Additional Powers) Act, 1919, and this Act, so far as it amends that Act, may be cited together as the Housing (Additional Powers) Acts, 1919 and 1921, and the Housing Acts, 1890 to 1919, and this Act, so far as it amends those Acts, may be cited together as the Housing Acts, 1890 to 1921.

(3) This Act shall not apply to Scotland.

(4) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Section 11.

## SCHEDULE.

### ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 62 & 63 Vict. c. 44. | The Small Dwellings Acquisition Act, 1899. | Subsection (3) of section one. |
| 9 Edw. 7. c. 44. | The Housing, Town Planning, &c., Act, 1909. | In subsection (5) of section fifteen the words "at a rate not exceeding five pounds per centum per annum." |
| 9 & 10 Geo. 5. c. 35. | The Housing, Town Planning, &c., Act, 1919. | In subsections (3) and (4) of section twenty-eight the words "at a rate not exceeding five pounds per centum per annum," and subsection (2) of section forty-one. |
| 9 & 10 Geo. 5. c. 45. | The Housing (Ireland) Act, 1919. | In subsections (3) and (4) of section twenty-three the words "at a rate not exceeding five per centum per annum." |
| 9 & 10 Geo. 5. c. 99. | The Housing (Additional Powers) Act, 1919. | Section five. |

## CHAPTER 20.

An Act to provide for the apportionment of annuities created by the redemption of tithe rentcharge. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Apportionment of tithe redemption annuities.

**1.**—(1) An order of apportionment of an annuity charged on any land under section four of the Tithe Act, 1918, or under this Act, may be made by the Minister of

Agriculture and Fisheries, under sections ten to fourteen, inclusive, of the Inclosure Act, 1854, on the application of any person interested, according to the provisions of the Inclosure Acts, 1845 to 1882, in the land charged or any part thereof, without the concurrence of any other person, and in any such case the provisions of those sections shall apply with the exception of the proviso to section eleven and the words "so far as the same has "been apportioned upon the lands of persons interested "and making application as aforesaid" in section thirteen. 8 & 9 Geo. 5. c. 54. 17 & 18 Vict. c. 97.

(2) In any case to which this Act applies the Minister may, on the application of the person interested as aforesaid in the annuity which is apportioned by the Order, require, as a condition of making the Order, that any apportioned part of the annuity which does not exceed the yearly sum of two pounds shall be redeemed forthwith.

(3) Such fee as the Treasury may sanction shall be payable to the Minister by an applicant for an order under this section upon the issue of the order.

(4) An apportioned part of an annuity shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888. 51 & 52 Vict. c. 51.

(5) The expenses necessarily incurred in the registration of an apportioned part of an annuity under the said Act or the Land Transfer Acts, 1875 and 1897, shall be treated as part of the expenses incident to the apportionment. 38 & 39 Vict. c. 87. 60 & 61 Vict. c. 65.

**2.** Section twenty-one of the Settled Land Act, 1882, shall have effect as if the modes of application of capital money arising under that Act, which are specified in such section, included the discharge, purchase or redemption of any apportioned part of an annuity charged under section four of the Tithe Act, 1918, on the settled land, or any part thereof, or in the discharge of such part of any such apportioned part as does not represent interest. Application of capital moneys to redemption of tithe redemption annuities. 45 & 46 Vict. c. 38.

**3.** This Act may be cited as the Tithe Annuities Apportionment Act, 1921. Short title.

Amended by Dentists Act 1923 (c. 36)

# CHAPTER 21.

An Act to amend the Dentists Act, 1878, and the provisions of the Medical Act, 1886, amending that Act. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prohibition of practice of dentistry by unregistered persons.

41 & 42 Vict. c. 33.

**1.**—(1) No person shall, unless he is registered in the dentists register under the Dentists Act, 1878 (in this Act referred to as "the principal Act"), practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.

(2) Any person who acts in contravention of the provisions of this section shall, in respect of each offence, be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) Nothing in this section shall operate to prevent—

(*a*) the practice of dentistry by a registered medical practitioner; or

(*b*) the extraction of a tooth by a duly registered pharmaceutical chemist or duly registered chemist and druggist, where the case is urgent and no registered medical practitioner or registered dentist is available and the operation is performed without the application of any general or local anæsthetic; or

(*c*) the performance in any public dental service of minor dental work by any person under the personal supervision of a registered dentist and in accordance with conditions approved by the Minister of Health after consultation with the Dental Board to be established under this Act.

(4) This section shall come into operation on the expiration of one year from the commencement of this Act or on the expiration of such further period not

exceeding two years as His Majesty may by Order in Council direct.

Establishment and constitution of Dental Board and appointment of registrar.

**2.**—(1) For the purposes of the principal Act and this Act, there shall be established a Board (hereinafter referred to as "the Board") which shall be a body corporate by the name of the Dental Board of the United Kingdom, with perpetual succession and a common seal, and power to acquire and hold land without licence in mortmain.

(2) The provisions contained in the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Board.

(3) The seal of the Board shall be authenticated in manner prescribed by the Board, and any document purporting to be sealed with the seal so authenticated shall be receivable as evidence of the particulars stated in that document.

(4) For the purposes of the principal Act and this Act, there shall be a registrar, who shall perform such duties in connection with the dentists register as the Board may direct.

(5) The first registrar shall be appointed by the General Council with the approval of the Privy Council, and any subsequent appointment to the office of registrar shall be made by the Board.

(6) The person first appointed to the office of registrar shall hold office until the expiration of the term of office of the first members of the Board, and shall receive such salary as may be fixed by the General Council with the approval of the Privy Council, and any person subsequently appointed to the office of registrar shall hold office for such period and shall receive such salary as may be fixed by the Board.

(7) The Board may appoint a person to act as assistant registrar, subject, in the case of the person first so appointed, to the consent of the Privy Council, and may employ such other officers as the Board consider necessary.

There shall be paid to the assistant registrar and the officers of the Board such salaries or remuneration as the Board may from time to time determine.

Right of certain persons to be admitted to register.

amended by the Dentists Act 1923 s. 1

**3.**—(1) The Board shall admit to the dentists register kept under the principal Act—

(*a*) any person who makes an application in that behalf within the interim period and satisfies the Board that he—

(i) is of good personal character; and

(ii) was for any five of the seven years immediately preceding the commencement of this Act engaged as his principal means of livelihood in the practice of dentistry in the British Islands, or was admitted to membership of the Incorporated Dental Society not less than one year before the commencement of this Act; and

(iii) had attained the age of twenty-three years before the commencement of this Act; and

(*b*) any person who makes an application in that behalf within the interim period and satisfies the Board that he—

(i) is of good personal character; and

(ii) was for any five of the seven years immediately preceding the commencement of this Act engaged as his principal means of livelihood in the occupation of a dental mechanic in the British Islands; and

(iii) had attained the age of twenty-three years before the commencement of this Act;

and who within ten years from that date passes the prescribed examination in dentistry.

(2) Any person who satisfies the Board that he was at the commencement of this Act engaged as his principal means of livelihood in the practice of dentistry in the British Islands, and within two years from the commencement of this Act passes the prescribed examination in dentistry, shall, for the purposes of this section, be treated as having been engaged for five of the seven years immediately preceding the commencement of this Act in the practice of dentistry in the British Islands as his principal means of livelihood.

(3) Any person who is a duly registered pharmaceutical chemist or duly registered chemist and druggist shall, if he proves to the satisfaction of the Board that he had immediately before the commencement of this

Act a substantial practice as a dentist and that his practice included all usual dental operations, be treated for the purposes of this section as having been engaged for any five of the seven years immediately preceding the commencement of this Act in the practice of dentistry in the British Islands as his principal means of livelihood.

(4) The Board may, on such conditions as they may consider proper, dispense in the case of any person with any of the requirements prescribed by this section, other than requirements as to character or age, if they are satisfied that that person is unable to satisfy those requirements by reason of having served in His Majesty's forces, or of having been engaged during the war in some work of national importance, and that it will not be prejudicial to the public interest to dispense with those requirements.

(5) Regulations may be made under this Act for prescribing the manner in which applications under this section are to be made, and generally for carrying this section into effect.

Use of titles and descriptions.

**4.** A person registered under the principal Act—

(*a*) shall, by virtue of being so registered, be entitled to take and use the description of dentist or dental practitioner;

(*b*) shall not take or use, or affix to or use in connection with his premises, any title or description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the register in respect of him.

Dental companies.

**5.**—(1) A body corporate may carry on the business of dentistry if—

(*a*) it carries on no business other than dentistry or some business ancillary to the business of dentistry; and

(*b*) a majority of the directors and all the operating staff thereof are registered dentists:

Provided that—

(*a*) a body corporate which was carrying on the business of dentistry before the passing of this Act shall not be disqualified for carrying on

the business of dentistry under this section by reason only that it carries on some business other than dentistry or a business ancillary to that business, if that other business is a business which the body was lawfully entitled at the commencement of this Act to carry on; and

(*b*) where any director of any body corporate which is carrying on the business of dentistry at the commencement of this Act satisfies the Board within the interim period that he has for any five of the seven years immediately preceding the commencement of this Act been acting as director of any such body corporate, he shall be entitled to be entered as such a director in a list to be kept by the registrar for the purposes of this section, and if so entered shall, for the purpose of this section, be treated in relation to that body corporate or any other body corporate formed for the purpose of reconstructing that body corporate or of amalgamating it with any other such body carrying on the business of dentistry at the commencement of this Act as being a registered dentist, but shall not by virtue of being so entered be entitled to practise dentistry.

(2) Save as aforesaid, it shall not be lawful after the date on which the provisions of this Act prohibiting the practice of dentistry by an unregistered person come into operation for any body corporate to carry on the business of dentistry, and, if any body corporate carries on the business of dentistry in contravention of the provisions of this section, it shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds.

Where a body corporate is convicted of an offence under this section, every director and manager thereof shall, unless he proves that the offence was committed without his knowledge, be guilty of the like offence, and the court may, in addition to a fine, order that the name of any director convicted under this provision shall be removed from the list aforesaid.

(3) Every body corporate carrying on the business of dentistry shall in every year transmit to the registrar a statement in the prescribed form containing the names

and addresses of all persons who are directors or managers of the company, or who perform dental operations in connection with the business of the company, and, if any such body corporate fails so to do, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of this section.

(4) The list to be kept under this section shall be published in the prescribed manner.

(5) Nothing in this section shall operate to prevent the carrying on of the business of dentistry by any hospital of any description (including an institution for out-patients only), or any dental school, which is approved for the purposes of this section by the Minister of Health after consultation with the Board.

Powers, &c. of Board and registrar.

**6.**—(1) On the establishment of the Board under this Act, there shall be transferred to the Board the powers and duties of the General Council under subsections (1), (3) and (4) of section eleven of the principal Act, and under section twenty-three of the Medical Act, 1886, so far as that section relates to orders made under the principal Act, and section forty of the principal Act shall have effect as though for references therein to the General Council there were substituted references to the Board, and references to the General Council in section thirty-nine of the principal Act shall be deemed to include references to the Board.

49 & 50 Vict. c. 48.

(2) On the establishment of the Board under this Act, all existing rights and liabilities of the General Council arising out of or acquired or incurred in connection with the powers or duties of the Council which are by this Act transferred to the Board shall, by virtue of this Act, be transferred to and become rights and liabilities of the Board, and the dentists register kept under the principal Act by the Council, and all other records (if any) in the possession of the Council relating to matters arising under the principal Act, shall be delivered to the Board.

(3) A prosecution for any offence under the principal Act or this Act may be instituted by the Board.

(4) On the appointment of the registrar under this Act, the provisions of the principal Act, and section twenty-three of the Medical Act, 1886, so far as that section relates to orders made under the principal Act, shall have effect as though for references therein to the general

registrar or the registrar of the General Council there were substituted references to the registrar.

Power of Board to make regulations.

7.—(1) Subject to the provisions of the principal Act and this Act, the Board may make regulations—

(*a*) generally with respect to the form and keeping of the register and the making of entries and erasures therein, and in particular for the registration of the description of persons entitled to be registered by virtue of this Act; and

(*b*) with respect to proceedings before the Board in connection with the removal from or restoration to the register of any name; and

(*c*) prescribing the fee, not exceeding five pounds, to be charged in respect of the retention on the register of the name of any person registered after the commencement of this Act in any year subsequent to the year in which that person was first registered; and

(*d*) for any other purpose for which regulations are to be made under this Act.

(2) Regulations made by the Board under this Act shall be submitted to the General Council for their approval, and shall, after being approved by the General Council, whether with or without modifications, be submitted for the approval of the Privy Council, and no such regulations shall have effect until they have been approved by the Privy Council:

Provided that, where the General Council propose to approve any such regulations with modifications, the Council shall inform the Board of the proposed modifications and give to the Board a reasonable opportunity of making any observations with respect thereto, and the Council shall, before proceeding to approve the regulations, take into consideration any observations which may be made by the Board.

(3) Every regulation made and approved under this section shall be laid before each House of Parliament as soon as may be after it is approved by the Privy Council, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before it, praying that the regulation

may be annulled, His Majesty in Council may annul the regulation, and if annulled it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Amendment of ss. 13 and 14 of 41 & 42 Vict. c. 33.

**8.**—(1) Section thirteen of the principal Act (which provides for erasing from the register the name of a practitioner convicted of crime or guilty of disgraceful conduct) shall be amended as follows:—

(*a*) The power conferred on the General Council by the first paragraph thereof shall be exercised by the Board:

(*b*) The following shall be substituted for the third paragraph thereof (but not including the proviso to that paragraph):—

"The Board may, and on the application of any medical authority shall, cause an inquiry to be made into the case of a person alleged to be liable to have his name erased under this section, and, if the Board on any such inquiry are satisfied that the name of that person ought to be erased from the register, they shall forward a report to the General Council setting out the facts proved at the inquiry and the finding of the Board.

The General Council, after receiving any such report, and after hearing any observations which the person affected or the medical authority may desire to make with reference to the report, may make an order directing the registrar to erase from the register the name of the person affected:

Provided that the General Council, if they are of opinion that further inquiry into the case is necessary, shall not themselves take any evidence for the purpose, but shall remit the case to the Board for further inquiry and report."

(2) The power of the General Council under section fourteen of the principal Act to direct the restoration to the register of any name or entry erased therefrom by the Council shall not be exercised except upon a report made to the Council by the Board, and the power to restore to

the register any entry which has been erased by the Board shall be exercised by the Board.

(3) The amount of the fee to be paid on the restoration of any name or other entry to the register shall be such sum not exceeding five pounds as may be prescribed by the Board, and different fees may be prescribed in respect of different matters.

Appeal against removal from register or refusal to register.

**9.** Any person aggrieved by the removal of his name from the dentists register, or by any refusal or failure to register his name in that register, may, within three months after the date on which notice is given to him by the registrar that his name has been so removed, or within six months after the date on which he applied to be so registered, as the case may be, appeal against the removal, or the refusal or failure, as the case may be, in manner provided by rules of court, to the High Court, and on any such appeal the High Court may give any such directions in the matter as they think proper, including any directions as to the costs of the appeal, and the order of the High Court shall be final and conclusive, and not subject to appeal to any other court:

Provided that nothing in this section shall apply to a refusal to register a person as a colonial dentist or as a foreign dentist if the reason for the refusal is that the certificate held or obtained by that person is not a recognised certificate within the meaning of section ten of the principal Act.

Application of money received and accounts of fees.

**10.**—(1) The Board shall, after paying any expenses incurred by the General Council in the execution of their duties under the principal Act and this Act, and any expenses of the Board, including the salary or remuneration of the registrar and of any other officers of the Board, allocate any money received by them, whether by way of fees or otherwise, to purposes connected with dental education and research or any public purposes connected with the profession of dentistry in such manner as the Board with the approval of the Council may determine.

(2) The Board shall keep accounts of all sums of money received or paid by them under the principal Act and this Act, and such accounts shall be audited in the prescribed manner and shall be submitted by the Board to the General Council at such times as the Council may require, and shall be published annually, and laid before both Houses of Parliament in the month of March in every

year if Parliament is then sitting, or if Parliament is not then sitting, within one month after the next sitting of Parliament.

(3) All securities representing moneys received by the General Council, by way of fees or otherwise, under the principal Act which are, at the date of the establishment of the Board under this Act, vested in the General Council or in any other person shall, by virtue of this Act, be transferred to and vest in the Board, and all sums representing any such moneys as aforesaid which are, at the date aforesaid, held by the General Council shall be transferred by the Council to the Board.

Amendment of ss. 6 & 7 of 41 & 42 Vict. c. 33.

**11.**—(1) In paragraph (*a*) of section six of the principal Act the words "graduate or" shall be inserted before the word "licentiate."

(2) Without prejudice to the provisions of section seven of the principal Act, any body being a medical authority within the meaning of the principal Act may from time to time transmit to the registrar certified lists of the persons who are graduates or licentiates of that body in dental surgery or dentistry, stating the qualifications and places of residence of the persons included in the lists, and the registrar, on receipt of any such lists and on payment of the registration fee in respect of each person to be registered, shall duly register those persons in accordance with regulations made by the Board.

Amendment of s. 12 of 41 & 42 Vict. c. 33.

**12.** In subsection (3) of section twelve of the principal Act, for the words from "and if the general registrar does not" to the end of the subsection there shall be substituted the words "and if no answer is returned to "the inquiry within six months from the posting thereof "it shall be lawful to erase the name of that person from "the register."

Repeal of s. 17 of 41 & 42 Vict. c. 33.

**13.** Section seventeen of the principal Act (which gives power to the General Council to make, alter and revoke orders and regulations) shall, as from the date of the establishment of the Board under this Act, cease to have effect, but any orders or regulations made by the General Council under that section shall continue in force except in so far as they may be varied or revoked by orders made by the Board under this Act.

Interpretation.

**14.**—(1) In this Act, unless the context otherwise requires—

The expression "prescribed" means prescribed by regulations made under this Act:

The expression "registered dentist" means a person registered under the principal Act:

The expression "interim period" means the period between the commencement of this Act and the date on which the provisions of this Act prohibiting the practice of dentistry by unregistered persons come into operation, or such longer period as the Board may, on an application made at any time within two years after the date aforesaid, allow in the case of any person as respects whom the Board are satisfied that there were valid reasons for the failure to make an application before that date.

(2) For the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice, or attendance on or to any person as preparatory to or for the purpose of or in connection with the fitting, insertion, or fixing of artificial teeth shall be deemed to have practised dentistry within the meaning of this Act.

Provisions as to evidence.

**15.**—(1) Prima facie evidence of any regulations made by the Board and approved by the General Council and the Privy Council may be given in the courts of justice and in all legal proceedings whatsoever by the production of a copy purporting to be printed by any printer in pursuance of an authority given by the Privy Council, or of a copy or extract purporting to be certified to be true by the Clerk of the Privy Council, and prima facie evidence of any other document issued by the Board may be so given by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Board authorised to give a certificate for the purposes of this provision, and no proof shall be required of the handwriting or official position or authority of any person certifying, in pursuance of this section, to the truth of any copy of or extract from any regulations or other document.

(2) A certificate purporting to be a certificate under the hand of the registrar stating that any person is, or was at any date, or is not, or was not at any date, duly registered under the principal Act or entered on any list to be kept by the registrar under this Act, or stating that any particulars are, or were at any date, or are not, or were not at any date, contained in the dentists register or any such list as aforesaid, with respect to any person, shall be prima facie evidence in all courts of law of the facts stated in the certificate.

Provisions as to exercise by General Council of its function under Dentists Acts

**16.**—(1) The General Council shall, for the purpose of the exercise of their functions under the principal Act and this Act, consist of the ordinary members of the Council and of three additional members to be appointed by the Privy Council in accordance with the provisions of this section.

(2) No person shall be qualified for appointment as an additional member of the General Council unless he is a member of the Board, and is registered in the dentists register as a graduate or licentiate in dental surgery or dentistry.

(3) An additional member of the General Council shall, unless he previously ceases to be a person qualified for appointment as such, hold office for such period not exceeding five years as the Privy Council may appoint.

(4) The General Council shall, for the purpose of the exercise of their functions under the principal Act and this Act, have power to act by an executive committee of the Council, including at least one of the additional members of the Council appointed in pursuance of this section.

Application to Scotland and Ireland.

**17.**—(1) In the application of this Act to Scotland, the expression "the Minister of Health" means, unless the context otherwise requires, the Scottish Board of Health, the expression "High Court" means the Court of Session, and the provision authorising the Board to institute prosecutions for offences under the principal Act or this Act shall not apply.

(2) In the application of this Act to Ireland, the expression "the Minister of Health" means, unless the context otherwise requires, the Lord Lieutenant of Ireland, and any reference to a registered chemist and druggist shall include a reference to a registered druggist and to a licentiate apothecary.

10 & 11 Geo. 5. c. 67.

(3) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

Short title and repeal.

18.—(1) This Act may be cited as the Dentists Act, 1921, and shall be construed as one with the principal Act, and this Act and that Act may be cited together as the Dentists Acts, 1878 and 1921.

(2) The enactments set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that schedule, and, except as otherwise expressly provided therein, as from the date of the establishment of the Board under this Act.

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# SCHEDULES.

Section 2.

## FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF THE BOARD.

1. The Board shall consist of thirteen members.

2. On its first constitution the Board shall be composed of the following persons, namely :—

A chairman appointed by the Privy Council;

Three persons, not being registered medical practitioners or registered dentists, appointed by the Minister of Health, the Scottish Board of Health, and the Lord Lieutenant of Ireland, respectively;

Three persons to be appointed by the General Council, of whom one shall be a member of the branch council for England, one a member of the branch council for Scotland, and one a member of the branch council for Ireland;

Six persons who are or have been engaged in the practice of dentistry, of whom two, to be appointed by the Privy Council, shall be persons who were not registered under the principal Act before the passing of this Act, and of whom four, to be appointed as to two thereof by the Minister of Health, as to one thereof by the Scottish Board of Health, and as to one thereof by the Lord Lieutenant of Ireland, shall be persons who were so registered.

3. The first members of the Board shall hold office for such term not exceeding three years from the commencement of this Act as the Privy Council may determine.

4. After the expiration of the term of office of the first members of the Board, the Board shall be composed of seven appointed members and six elected members.

Of the seven appointed members one (who shall be the Chairman of the Board) shall be appointed by the Privy Council, and three, who shall not be registered medical practitioners or registered dentists, by the Minister of Health, the Scottish Board of Health, and the Lord Lieutenant of Ireland respectively, and three by the General Council, of whom one shall be a member of the branch council for England, one a member of the branch council for Scotland, and one a member of the branch council for Ireland.

The six elected members shall be elected as follows :—

(*a*) two shall be elected by qualified dentists practising in England and Wales ;

(*b*) one shall be elected by qualified dentists practising in Scotland ;

(*c*) one shall be elected by qualified dentists practising in Ireland ;

(*d*) two shall be elected by registered dentists not being qualified dentists :

Provided that His Majesty may, at any time after the expiration of twenty-two years from the commencement of this Act, by Order in Council direct that paragraph (*d*) of the foregoing provision shall cease to have effect, that "four" shall be substituted for "two" in paragraph (*a*) thereof, and that "registered" shall be substituted for "qualified" in paragraphs (*a*), (*b*), and (*c*) thereof.

An Order in Council made under this paragraph shall take effect as from the date next after the Order is made on which all the members of the Board vacate office.

In this paragraph the expression "qualified dentists" means a person registered under the principal Act otherwise than by virtue of a right conferred by or under the provisions of this Act.

5. Any members of the Board other than the first members thereof shall hold office for a term of five years.

6. If the place of a member of the Board becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment or election by the body or persons by whom the member was appointed or elected, and any person appointed or elected to fill a casual vacancy shall hold office so long only as the member in whose place he is appointed or elected would have held office :

Provided that, where the unexpired portion of the term of office of the vacating member is less than one year, the vacancy shall not be filled.

7. Any member ceasing to be a member of the Board shall be eligible for re-appointment or re-election.

8. The powers of the Board may be exercised notwithstanding any vacancy in their number.

9. The Board may, with the approval of the General Council, make rules—

(*a*) for regulating the proceedings (including quorum) of the Board; and

(*b*) for enabling the Board to constitute committees; and

(*c*) for authorising the delegation to committees of any of the powers of the Board and for regulating the proceedings (including quorum) of committees; and

(*d*) for regulating the manner in which the elected members of the Board are to be elected:

Provided that the powers of the Board in connection with admission to, erasure from, and restoration to the register shall be exercised by the Board itself and shall not be delegated to any committee.

Section 17.

## SECOND SCHEDULE.

### ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 41 & 42 Vict. c. 33. | The Dentists Act, 1878. | In section two the words "and 'local registrar' means the registrar appointed by a branch council under the Medical Act, 1858"; as from the date on which the provisions of this Act prohibiting the practice of dentistry by unregistered persons come into operation, sections three and four and section five from "and a person" to the end thereof; subsections (2) and (5) of section eleven; section fifteen; section seventeen; section twenty-nine; sections thirty-two and thirty-three; in section thirty-six the words "and to the registrar of the Branch Council for that part of the United Kingdom in which the death occurs." |
| 49 & 50 Vict. c. 48. | The Medical Act, 1886. | Section twenty-six down to "accordingly." |

## CHAPTER 22.

An Act to amend the Protection of Animals (Scotland) Act, 1912. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 1, subs. (3), para. (*b*) of Protection of Animals (Scotland) Act, 1912. 2 & 3 Geo. 5. c. 14.

**1.** The first section of the Protection of Animals (Scotland) Act, 1912, subsection (3), paragraph (*b*), shall be amended by the addition thereto of the following words:—

"and a captive animal shall not be deemed to be coursed or hunted within the meaning of this subsection if it is coursed or hunted in an enclosed space from which it has no reasonable chance of escape."

Short title.

**2.** This Act may be cited as the Protection of Animals (Scotland) Act, 1912, Amendment Act, 1921.

## CHAPTER 23.

An Act to amend the Law relating to the Appointment and Tenure of Office of Medical Officers of Health, Sanitary Inspectors, and Inspectors of Nuisances, and for other purposes. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Tenure of office of medical officer of health.

**1.** In cases to which this section applies, the medical officer of health of a local authority who by the terms of his appointment is restricted from engaging in private practice as a medical practitioner shall not be appointed for a limited period only and shall be removable by the

authority with the consent of the Minister of Health or by the Minister and not otherwise.

This section applies to—

(*a*) the medical officer of health of a county borough where any portion of the salary of the medical officer was paid out of moneys voted by Parliament before it was constituted a county borough;

(*b*) the medical officer of health of a county district any portion of whose salary is paid out of the county fund of the county in which the district is situate and charged to the Exchequer contribution account.

Tenure of office and appointment of sanitary inspectors.

**2.**—(1) In cases to which this subsection applies, the sanitary inspector of a local authority who is required by the terms of his appointment to devote the whole of his time to the duties of his office or to the duties of that office and of any other office or offices held by him under any local or public authority, shall not be appointed for a limited period only and shall be removable by the authority with the consent of the Minister of Health or by the Minister and not otherwise.

This subsection applies to—

(*a*) the sanitary inspector of a county borough where any portion of the salary of the sanitary inspector was paid out of moneys voted by Parliament before it was constituted a county borough;

(*b*) the sanitary inspector of a county district any portion of whose salary is paid out of the county fund of the county in which the district is situate and charged to the Exchequer contribution account:

Provided that, where more than one sanitary inspector is appointed by a local authority, the foregoing paragraphs (*a*) and (*b*) of this subsection shall apply only to the senior sanitary inspector as determined by the local authority.

(2) An urban sanitary authority shall have power to appoint two or more sanitary inspectors.

Definition of "sanitary inspector."

**3.**—(1) In this Act the expression "sanitary inspector" includes an inspector of nuisances appointed

under the Public Health Act, 1875, and an inspector of nuisances shall henceforth be designated a sanitary inspector. 38 & 39 Vict. c. 55.

(2) In this Act the expression "local authority" means an urban or rural sanitary authority within the meaning of the Public Health Acts or a port sanitary authority.

Temporary appointments.

**4.** Nothing in this Act shall prevent a local authority from making, with the sanction of the Minister of Health, a temporary arrangement for the performance of all or any of the duties of a medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangement to perform those duties or any of them, shall, subject to the terms of his appointment, have all the powers and liabilities of a duly appointed medical officer of health or sanitary inspector as the case may be.

Application to existing officers.

**5.** The provisions of this Act relating to the removal from office of medical officers of health and sanitary inspectors shall apply to such officers and inspectors whether appointed before or after the commencement of this Act.

Application of s. 24 (2) of 51 & 52 Vict. c. 41.

**6.** Section twenty-four of the Local Government Act, 1888 (which provides for payments by county councils to local authorities in respect of the salaries of medical officers of health and sanitary inspectors), shall have effect as if the reference in subsection (2) thereof to the Public Health Act, 1875, included a reference to this Act.

Provisions as to London. 54 & 55 Vict. c. 76.

**7.**—(1) The provisions of paragraphs (*b*) and (*c*) of subsection (2) of section one hundred and eight of the Public Health (London) Act, 1891 (which relate to the removal and appointment of medical officers of health of metropolitan borough councils), shall apply to the chief or senior sanitary inspectors of metropolitan borough councils and to the medical officers of health and the chief or senior sanitary inspector of the port sanitary authority of the Port of London as they apply to the medical officers of health of metropolitan borough councils, and those provisions shall have effect accordingly.

(2) Save as provided by this section, this Act shall not apply to the administrative county of London.

Extent of Act.

8. This Act shall not extend to Scotland or Ireland.

Construction of Act.

9. This Act shall, except so far as it relates to the administrative county of London, be read as one with the Public Health Acts.

Short title and commencement of Act.

10. This Act may be cited as the Public Health (Officers) Act, 1921, and shall come into operation on the first day of April, nineteen hundred and twenty-two.

## CHAPTER 24.

An Act to amend the Law relating to marriage with a deceased brother's widow.

[28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Marriage with a deceased brother's widow not to be void as a civil contract except in certain cases.

1.—(1) Section one of the Deceased Wife's Sister's Marriage Act, 1907, shall be read and construed as if after the words "deceased wife's sister," where they occur in such section, there were inserted "or between a man and his deceased brother's widow."

(2) Section three of the said Act shall be read and construed as though—

7 Edw. 7. c. 47.

(*a*) in subsection (1) thereof, after the words "wives' sisters," there were inserted the words "or husbands' brothers' wives"; and

(*b*) in subsection (2) thereof, at the end, there were inserted the words "or the divorced wife of his "brother, or the wife of his brother who has "divorced his brother, during the lifetime of "such brother."

Subs. (2) repealed by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)

(3) Section four of the said Act shall be read and construed as if at the end thereof there were inserted the words "or his deceased brother's widow."

(4) Section five of the said Act shall be read and construed as though at the end thereof there were inserted

the words "and the word 'brother' shall include a brother of the half blood."

The said Act as amended by this Act shall, so far as it relates to marriages between a man and his deceased brother's widow, have effect as though it had been passed at the date of the passing of this Act.

**2.** This Act may be cited as the Deceased Brother's Widow's Marriage Act, 1921, and this Act and the Deceased Wife's Sister's Marriage Act, 1907, may be cited together as the Marriage (Prohibited Degrees of Relationship) Acts, 1907 and 1921. Short title.

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## CHAPTER 25.

An Act to amend the financial provisions of the National Health Insurance Acts, 1911 to 1920, and to provide for increasing the amounts payable to insurance committees on account of their administration expenses, and for reducing the number of members of insurance committees.

[28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.**—(1) The sum to be retained by the Minister of Health under subsection (3) of section fifty-five of the National Insurance Act, 1911, out of each weekly contribution shall, in the case of an insured person being a man, be twopence and two-ninths of a penny instead of twopence and one-third of a penny, and, in the case of an insured person being a woman, be one penny and four-fifths of a penny instead of one penny and eleven-twelfths of a penny. Amendment of financial provisions. 1 & 2 Geo. 5. c. 55.

(2) The amount to be carried to the Contingencies Fund and the Central Fund under subsection (2) of section one of the National Health Insurance Act, 1918, shall be calculated as if in the First Schedule to that Act the words "in the case of a man five-ninths of a penny 7 & 8 Geo. 5. c. 62.

" and in the case of a woman two-fifths of a penny " were substituted for the words " in the case of a man " two-thirds of a penny and in the case of a woman " one halfpenny."

(3) If provision is made by regulations under the proviso to subsection (2) of section one of the National Health Insurance Act, 1918, for decreasing the amounts to be carried to the Central Fund in such manner that those amounts will be less than one-eighth of the aggregate amounts to be carried to the Contingencies Fund and the Central Fund, the sum which under subsection (1) of section four of the said Act is to be carried to the Central Fund out of moneys provided by Parliament shall be reduced to an amount which bears the same proportion to one hundred and fifty thousand pounds as the said decreased amounts bear to one-eighth of the said aggregate amounts.

Contribution by societies towards administration expenses of insurance committees. 10 & 11 Geo. 5. c. 10.

**2.** Section seven of the National Health Insurance Act, 1920 (which makes provision for the administration expenses of insurance committees), shall have effect as if in subsection (1) thereof " sixpence " were substituted for " fourpence " and as if in subsection (7) thereof " fourpence " were substituted for " twopence."

Amendment as to constitution of insurance committees in England and Wales.

**3.**—(1) Section fifty-nine of the National Insurance Act, 1911 (which provides for the appointment of insurance committees), shall, as from the first day of November, nineteen hundred and twenty-one, have effect in its application to insurance committees in England and Wales as if the words " in no case less than twenty or more than forty " were substituted for the words " in no case less than forty or more than eighty," and as though for paragraph (*c*) of subsection (2) there was substituted the following: " Two members shall be appointed by the " committee recognised as the local medical committee " for the county or county borough under section sixty-" two of the National Insurance Act, 1911, or section " thirty-two of the National Insurance Act, 1913."

3 & 4 Geo. 5. c. 37.

(2) The power of the Minister of Health to make regulations under subsection (4) of the said section fifty-nine shall include a power to make regulations for modifying the provisions of subsection (2) of the said section in their application to an insurance committee consisting of less than forty members, but in making any

such regulations the Minister shall have regard to the desirability of maintaining as far as practicable the proportion between the several classes of persons to be appointed as members of insurance committees as prescribed by the said subsection (2).

Application to Ireland. 10 & 11 Geo. 5. c. 67.

**4.** For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

Commencement and short title.

**5.**—(1) Save as otherwise expressly provided, this Act shall be deemed to have effect as from the first day of January, nineteen hundred and twenty-one.

(2) This Act may be cited as the National Health Insurance Act, 1921, and the National Health Insurance Acts, 1911 to 1920, and this Act may be cited together as the National Health Insurance Acts, 1911 to 1921.

## CHAPTER 26.

An Act to extend the Overseas Trade (Credits and Insurance) Act, 1920, to the giving of guarantees in connection with export transactions, and otherwise to amend section one of that Act.

[28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Board of Trade to guarantee export transactions. 10 & 11 Geo. 5. c. 29.

**1.**—(1) The power of the Board of Trade under the Overseas Trade (Credits and Insurance) Act, 1920, as otherwise amended by this Act to make arrangements for granting credits to certain persons and companies for the purpose of re-establishing trade between the United Kingdom and certain other countries shall include power to make for that purpose arrangements for giving guarantees, whether directly or indirectly, in connection with any export transactions in connection with which the Board have power to grant credits under that Act as so amended, and accordingly any reference in that Act to the granting of credits and to credits granted shall, unless

the context otherwise requires and subject as hereinafter provided, be deemed to include references to the giving of such guarantees as aforesaid and to any such guarantees given:

Provided that—

(*a*) The powers of the Board under this Act with respect to the giving of guarantees may be exercised in the case of a new guarantee at any time before the eighth day of September, nineteen hundred and twenty-two, and, in the case of the renewal of a guarantee previously given, at any time before the eighth day of September, nineteen hundred and twenty-four, instead of at any time within the period of three years from the eighth day of September, nineteen hundred and nineteen, and no guarantee shall be given so as to be in force after the eighth day of September, nineteen hundred and twenty-five; and

(*b*) Subsection (2) of section one shall not apply.

(2) Section four of the Overseas Trade (Credits and Insurance) Act, 1920, (which provides for the exercise of the powers of the Board of Trade under that Act) shall apply to things authorised under this Act as it applies to things authorised under that Act.

Amendment of s. 1 and s. 3 of 10 & 11 Geo. 5. c. 29.

**2.** Section one of the Overseas Trade (Credits and Insurance) Act, 1920, (which empowers the Board of Trade to grant credits and undertake insurances) shall have effect as though the words "and any other part of "His Majesty's Dominions (including any territory under "His Majesty's protection and any territory in respect "of which a mandate of the League of Nations is "exercised by the Government of any part of His "Majesty's Dominions) or between the United Kingdom "and any other country" were therein substituted for the words "and any country," and as though the words "part of His Majesty's Dominions outside the United "Kingdom (including any such territory as aforesaid) or "to any" were therein inserted after the words "export "to any."

Short title.

**3.** This Act may be cited as the Overseas Trade (Credits and Insurance) Amendment Act, 1921.

# CHAPTER 27.

An Act to empower Local Authorities to advertise Health Resorts and Watering Places.

[28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of local authority to levy rate for advertisement.

**1.** Subject to the provisions of this Act, the council of any borough or urban district may advertise the advantages and amenities of the borough or district, or any part thereof, as a health resort or watering place by the insertion of advertisements in newspapers not published within the borough or district so sought to be advertised, or by handbooks or leaflets, or by placards at railway stations, and may expend money for the purpose as provided by this Act.

Expenses.

**2.** The council of any borough or urban district may expend for the purposes of this Act the profits received by them from the letting of chairs, tents, tent sites, bathing machines, platform sites for entertainments, and sites of stalls for beach vendors, or from charges for admission to any gardens, parks, inclosures, and places of interest, in respect of which such council are entitled to make such charges, or from any other profits which accrue to such council in providing entertainments or recreation for visitors, provided that the council shall not be entitled to expend any other money for such purposes, and the sum so expended in any one financial year shall not exceed the amount which would be produced by a rate of one penny in the pound levied on the rateable value of the borough or district.

Adoption of Act by local authorities. 53 & 54 Vict. c. 59.

**3.** This Act shall extend to any borough or urban district in England or Wales in which it is adopted under the provisions of the Public Health Acts Amendment Act, 1890, and section three of that Act shall have effect as if this Act were an adoptive part of that Act.

Application to Scotland.

**4.** This Act in its application to Scotland shall be subject to the following modifications:—

"Burgh" shall be substituted for "borough," and references to urban districts shall not apply.

Short title and extent.

**5.** This Act may be cited as the Health Resorts and Watering Places Act, 1921, and shall not extend to Ireland.

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## CHAPTER 28.

An Act to amend the Merchant Shipping Acts, 1894 to 1920. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of Parts I. and VIII. of the Merchant Shipping Act, 1894, to lighters, &c.
57 & 58 Vict. c. 60.

**1.**—(1) Notwithstanding anything in section seven hundred and forty-two of the Merchant Shipping Act, 1894 (hereinafter referred to as "the principal Act"), the principal Act shall have effect as though in the provisions of Parts I. and VIII. thereof (which relate respectively to the registry of ships and to the limitation of the liability of the owners of ships), as amended or extended by any subsequent enactment, the expression "ship" included every description of lighter, barge, or like vessel used in navigation in Great Britain, however propelled:

Provided that a lighter, barge, or like vessel used exclusively in non-tidal waters, other than harbours, shall not, for the purposes of this Act, be deemed to be used in navigation.

(2) In the application of Part VIII. of the principal Act to any such lighter, barge, or like vessel as aforesaid, the expression "owner" shall include any hirer who has contracted to take over the sole charge and management thereof and is responsible for the navigation, manning and equipment thereof.

(3) Where the Board of Trade are satisfied that there are in force in any port, under any Act or order, regulations for the measurement or registration of lighters, barges, or like vessels, which provide for the measurement of their tonnage in substantial agreement with the provisions of the Merchant Shipping Acts, 1894 to 1920, and for an adequate system of identification of the vessels and their owners, the Board may by order declare that vessels measured or registered in accordance with such regulations shall, for the purposes of this Act, be deemed to be measured or registered under Part I. of the principal Act.

Use of unsafe lighters, &c.

**2.**—(1) If any person uses or causes or permits to be used in navigation any lighter, barge, or like vessel when, through the defective condition of its hull or equipment or by reason of overloading or improper loading or through undermanning, it is so unsafe that human life is likely to be thereby endangered, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

(2) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade.

Saving for workmen.

**3.** This Act shall not affect the liability of the owners of any lighter, barge, or like vessel in respect of loss of life or personal injury caused to any person carried therein.

Short title, construction, and commencement.

**4.**—(1) This Act may be cited as the Merchant Shipping Act, 1921, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1920, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1921.

(2) This Act shall come into operation on the first day of January, one thousand nine hundred and twenty-two.

## CHAPTER 29.

An Act to declare the lawfulness of certain Articles declaratory of the Constitution of the Church of Scotland in matters spiritual prepared with the authority of the General Assembly of the Church. [28th July 1921.]

WHEREAS certain articles declaratory of the constitution of the Church of Scotland in matters spiritual have been prepared with the authority of the General Assembly of the Church, with a view to facilitate the union of other Churches with the Church of Scotland, which articles are set out in the Schedule to this Act, and together with any modifications of the said articles or additions thereto made in accordance therewith are hereinafter in this Act referred to as "the Declaratory Articles":

And whereas it is expedient that any doubts as to the lawfulness of the Declaratory Articles should be removed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Effect of Declaratory Articles.

**1.** The Declaratory Articles are lawful articles, and the constitution of the Church of Scotland in matters spiritual is as therein set forth, and no limitation of the liberty, rights and powers in matters spiritual therein set forth shall be derived from any statute or law affecting the Church of Scotland in matters spiritual at present in force, it being hereby declared that in all questions of construction the Declaratory Articles shall prevail, and that all such statutes and laws shall be construed in conformity therewith and in subordination thereto, and all such statutes and laws in so far as they are inconsistent with the Declaratory Articles are hereby repealed and declared to be of no effect.

Other Churches not to be prejudiced.

**2.** Nothing contained in this Act or in any other Act affecting the Church of Scotland shall prejudice the recognition of any other Church in Scotland as a Christian

Church protected by law in the exercise of its spiritual functions.

Jurisdiction of civil courts.

**3.** Subject to the recognition of the matters dealt with in the Declaratory Articles as matters spiritual, nothing in this Act contained shall affect or prejudice the jurisdiction of the civil courts in relation to any matter of a civil nature.

Citations and commencement.

**4.** This Act may be cited as the Church of Scotland Act, 1921, and shall come into operation on such date as His Majesty may fix by Order in Council after the Declaratory Articles shall have been adopted by an Act of the General Assembly of the Church of Scotland with the consent of a majority of the Presbyteries of the Church.

## SCHEDULE.

### Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual.

I. The Church of Scotland is part of the Holy Catholic or Universal Church; worshipping one God, Almighty, all-wise, and all-loving, in the Trinity of the Father, the Son, and the Holy Ghost, the same in substance, equal in power and glory; adoring the Father, infinite in Majesty, of whom are all things; confessing our Lord Jesus Christ, the Eternal Son, made very man for our salvation; glorying in His Cross and Resurrection, and owning obedience to Him as the Head over all things to His Church; trusting in the promised renewal and guidance of the Holy Spirit; proclaiming the forgiveness of sins and acceptance with God through faith in Christ, and the gift of Eternal life; and labouring for the advancement of the Kingdom of God throughout the world. The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.

II. The principal subordinate standard of the Church of Scotland is the Westminster Confession of Faith approved by the General Assembly of 1647, containing the sum and substance of the Faith of the Reformed Church. Its government is Presbyterian, and is exercised through Kirk-sessions,

Presbyteries, Provincial Synods, and General Assemblies. Its system and principles of worship, orders, and discipline are in accordance with "The Directory for the Public Worship of God," "The Form of Presbyterial Church Government," and "The Form of Process," as these have been or may hereafter be interpreted or modified by Acts of the General Assembly or by consuetude.

III. This Church is in historical continuity with the Church of Scotland which was reformed in 1560, whose liberties were ratified in 1592, and for whose security provision was made in the Treaty of Union of 1707. The continuity and identity of the Church of Scotland are not prejudiced by the adoption of these Articles. As a national Church representative of the Christian Faith of the Scottish people it acknowledges its distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry.

IV. This Church, as part of the Universal Church wherein the Lord Jesus Christ has appointed a government in the hands of Church office-bearers, receives from Him, its Divine King and Head, and from Him alone, the right and power subject to no civil authority to legislate, and to adjudicate finally, in all matters of doctrine, worship, government, and discipline in the Church, including the right to determine all questions concerning membership and office in the Church, the constitution and membership of its Courts, and the mode of election of its office-bearers, and to define the boundaries of the spheres of labour of its ministers and other office-bearers. Recognition by civil authority of the separate and independent government and jurisdiction of this Church in matters spiritual, in whatever manner such recognition be expressed, does not in any way affect the character of this government and jurisdiction as derived from the Divine Head of the Church alone, or give to the civil authority any right of interference with the proceedings or judgments of the Church within the sphere of its spiritual government and jurisdiction.

V. This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its Confession of Faith, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its office-bearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the Faith.

VI. This Church acknowledges the divine appointment and authority of the civil magistrate within his own sphere, and maintains its historic testimony to the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey His laws, to reverence His ordinances, to honour His Church, and to promote in all appropriate ways the Kingdom of God. The Church and the State owe mutual duties to each other, and acting within their respective spheres may signally promote each other's welfare. The Church and the State have the right to determine each for itself all questions concerning the extent and the continuance of their mutual relations in the discharge of these duties and the obligations arising therefrom.

VII. The Church of Scotland, believing it to be the will of Christ that His disciples should be all one in the Father and in Him, that the world may believe that the Father has sent Him, recognises the obligation to seek and promote union with other Churches in which it finds the Word to be purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised; and it has the right to unite with any such Church without loss of its identity on terms which this Church finds to be consistent with these Articles.

VIII. The Church has the right to interpret these Articles, and, subject to the safeguards for deliberate action and legislation provided by the Church itself, to modify or add to them; but always consistently with the provisions of the first Article hereof, adherence to which, as interpreted by the Church, is essential to its continuity and corporate life. Any proposal for a modification of or addition to these Articles which may be approved of by the General Assembly shall, before it can be enacted by the Assembly, be transmitted by way of overture to Presbyteries in at least two immediately successive years. If the overture shall receive the approval, with or without suggested amendment, of two-thirds of the whole of the Presbyteries of the Church, the Assembly may revise the overture in the light of any suggestions by Presbyteries, and may transmit the overture when so revised to Presbyteries for their consent. If the overture as transmitted in its final form shall receive the consent of not less than two-thirds of the whole of the Presbyteries of the Church, the General Assembly may, if it deems it expedient, modify or add to these Articles in terms of the said overture. But if the overture as transmitted in its final form shall not receive the requisite consent, the same or a similar proposal shall not be again transmitted for the consent of Presbyteries until an interval of five years after the failure to obtain the requisite consent has been reported to the General Assembly.

IX. Subject to the provisions of the foregoing Articles and the powers of amendment therein contained, the Constitution of the Church of Scotland in matters spiritual is hereby anew ratified and confirmed by the Church.

## CHAPTER 30.

An Act to amend the Law relating to the Remuneration of Coroners. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Increase in coroners' remuneration.

**1.**—(1) Every authority charged with the payment of a coroner's remuneration may, as soon as may be after the passing of this Act, proceed to revise the rate of the salary or of the fees, as the case may be, payable to the coroner, and in so doing shall have regard to the increase which has taken place, since the outbreak of the war, in the cost of living and travelling, and in other expenditure necessarily incurred by coroners in the performance of their duties, and to all the other relevant circumstances of the case.

The revised rates of remuneration fixed under this subsection shall be deemed to have been in operation as from the passing of this Act.

23 & 24 Vict. c. 116.

(2) The County Coroners Act, 1860, shall have effect as if the revision of a salary under this Act were a revision of a salary after a lapse of five years under that Act, and that Act shall have effect accordingly.

Short title and extent.

**2.**—(1) This Act may be cited as the Coroners Act, 1921.

(2) This Act shall not extend to Scotland or Ireland.

# CHAPTER 31.

An Act to consolidate and amend the law respecting the Retirement, Pensions, Allowances, and Gratuities of Members of Police Forces in Great Britain, and their Widows, Children, and Dependants. [28th July 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Retirement and Pensions.*

Age of compulsory retirement.

**1.**—(1) Retirement shall be compulsory in a police force—

for sergeants and constables, on attaining the age of fifty-five;

for superintendents and inspectors, on attaining the age of sixty;

for chief constables and assistant chief constables, on attaining the age of sixty-five:

except that in special cases the chief officer of police, or, where the person concerned is a chief constable or assistant chief constable, the police authority, may extend any such person's service for a further period, in no case exceeding five years, on being satisfied that such extension would be in the interests of efficiency:

Provided that, in the case of a borough having a separate police force, any such extension shall be subject to the approval of the watch committee.

(2) Retirement shall also be compulsory for any member of a police force who is required to retire by the police authority on the ground that his retention in the force would not be in the interests of efficiency, after he has become qualified by length of service to receive on retirement without medical certificate a pension at the rate of two-thirds of his annual pay.

Pensions and gratuities of members of a police force.

**2.**—(1) Subject to the provisions of this Act, every member of a police force—

(*a*) if he has completed twenty-five years' approved service, and has given three months' written notice, or such shorter notice as the police authority may accept, to the police authority of his intention to retire, shall be entitled, on the expiration of such notice, without a medical certificate to retire and receive an ordinary pension for life; and

(*b*) if he has completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive an ordinary pension for life; and

(*c*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a special pension for life; and

(*d*) if he has not completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body not occasioned by such injury as aforesaid, shall be entitled on a medical certificate to retire and receive a gratuity.

(2) Where a member of a police force is compelled to retire under this Act on the ground of age, then—

(*a*) if he is not entitled without a medical certificate to retire and receive a pension, he shall be entitled to receive such ordinary pension or gratuity as he would have been entitled to receive had he then retired on a medical certificate; and

(*b*) any pension or gratuity to which he is entitled shall be payable as from his retirement, and no notice of intention to retire shall be required.

(3) A chief constable or assistant chief constable appointed after the commencement of this Act shall not, except with the consent of the police authority, be entitled to retire without a medical certificate and receive an ordinary pension, unless at the time of his retirement he has attained the age of sixty.

(4) No gratuity shall be payable to a member of a police force who retires before the expiration of any period which is declared by regulations made under this or any other Act to be a period of probationary service.

Pensions and gratuities of widows.

**3.** Subject to the provisions of this Act—

(*a*) where a member of a police force who, having joined the force after the first day of September, nineteen hundred and eighteen, has completed five years' approved service, dies whilst serving in the force, or whilst in receipt of a pension from a police authority, or in consequence of any disease or injury on account of which he retired from a police force, his widow shall be entitled to a widow's ordinary pension; and

(*b*) where in any case a member of a police force dies whilst serving in the force from the effects of an injury received in the execution of his duty without his own default, or, having been granted a pension in respect of any such injury, dies from the effects of such injury, his widow shall be entitled, where the injury was accidental to a widow's ordinary pension, and where the injury was non-accidental to a widow's special pension; and

(*c*) where a member of a police force dies whilst serving in the force and his widow is not entitled to a pension under this Act, his widow shall be entitled to a gratuity; and

(*d*) where a widow is entitled to a pension under this Act, and the police authority are satisfied that there are special reasons for the grant of a gratuity in lieu thereof, the police authority may, at their discretion and with her consent, grant her a gratuity accordingly.

Allowances and gratuities of children and dependants.

**4.** Subject to the provisions of this Act—

(*a*) where a member of a police force dies whilst in the force, or where a member of a police force, having been granted a pension, dies within twelve months after the grant of the pension, or at any time from the effects of an injury received in the execution of his duty without his own default, his children under

sixteen years of age shall be entitled to allowances until they severally reach the age of sixteen years; and

(*b*) where the child of a member of a police force is entitled to an allowance under this Act, and the police authority are satisfied that there are special reasons for the grant of a gratuity in lieu thereof, the police authority may, at their discretion and with the consent of the man's widow, or, if he leaves no widow, the guardian of the child, grant a gratuity accordingly; and

(*c*) where a member of a police force dies whilst in the force, or where a member of a police force, having been granted a pension, dies within twelve months after the grant of the pension, or at any time from the effects of an injury received in the execution of his duty without his own default, the police authority may, if they think fit, grant a gratuity to any relative who has been wholly or mainly dependent upon him.

Scales of pensions, allowances and gratuities.

**5.** The pensions, allowances and gratuities payable under this Act shall be in accordance with the scales and provisions contained in the First Schedule to this Act, and the general rules contained in Part III. of that schedule shall apply to such pensions, allowances and gratuities.

Pensions of constables continuing to serve after qualification for pension.

**6.**--(1) Where a member of a police force is entitled to retire on a pension without a medical certificate, but continues to serve in the force, the police authority may, if they think fit, direct that he shall be entitled, on retiring at any time thereafter, to receive a pension not less in amount than that to which he would have been entitled if he had retired instead of continuing in the force, and in such case the right to receive on retirement such pension shall not, while he continues to serve in the force, be liable to forfeiture, except in the cases in which a pension when granted is liable to forfeiture under this Act.

(2) Before giving any such direction, and every year thereafter, the police authority shall cause him to be examined by some duly qualified medical practitioner, and, if on any such examination it is found that he is not physically fit for further service, the police authority shall not permit him to continue to serve in the force.

(3) Where such a direction is given, a member of a police force, who is entitled to retire without a medical certificate and to receive a pension at the maximum rate provided by this Act, may be granted, in consideration of his continuing to serve, an allowance at a rate not exceeding twelve-and-a-half per cent of his pay. Any such allowance, if granted, shall not be reckoned in the calculation of the amount of pension or gratuity awarded, and no rateable deduction shall be made therefrom under this Act.

*Approved Service.*

Service to be reckoned for pension.

**7.**—(1) The service of a member of a police force for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of any regulations affecting the force to which he belongs, not exceeding the period during which he is absent from duty on account of sickness, misconduct, or neglect of duty, as the case may be; and the expression "approved service" shall, for the purposes of this Act, mean such service as may, after such deductions as aforesaid (if any), be certified by the chief officer of police to have been diligent and faithful service, but shall not include service before attaining the age of twenty years, except in the case of a member of a police force who before attaining that age is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(2) Where a deduction is made from the service of a member of a police force in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall be given to him as soon as may be after the occurrence of the cause for which the deduction is made; and he may appeal to the chief officer of his police force against any act of any superior officer which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the chief officer on such appeal shall be deemed to be approved service:

Provided that, in the case of a borough having a separate police force, the decision of the chief officer shall be subject to the approval of the watch committee.

Continuous service in two or more forces.

**8.**—(1) Where a member of a police force has served in more than one police force, approved service in any such police force in which he has completed not less than one year's approved service, and from which after the commencement of this Act he has with the written sanction of the chief officer of that force removed to another force, shall be reckoned as approved service in the force in which he is serving at the time of his death or retirement.

(2) Where any member of a police force who is entitled under this section to reckon any previous service in another force, or his widow, or any child or dependant of his, in due course is granted a pension, gratuity or allowance, the police authority in whose service he then is, or was at the time of his death or retirement, shall be entitled to call upon the other police authority or authorities, and they shall contribute a proportionate part of any pension, gratuity or allowance granted to him or his widow or any such child or dependant, reckoned according to his approved service and pay during his service in such force, and the said proportionate part shall be settled by agreement between the police authorities, or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) This section shall apply in cases where the previous service was service in a police force in Ireland, but in that case the said proportionate part shall be determined by the Treasury.

Discontinuous service in one or more forces.

**9.**—(1) Where a member of a police force who has retired from the force without a pension subsequently rejoins the force, there shall be reckoned as approved service the period of approved service which he was entitled to reckon at the end of his previous service, if he repays to the police authority the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him, by the police authority in respect of his previous service.

(2) Where a member of a police force who has retired from the force without a pension subsequently joins or has joined some other police force, the police authority of that other force may, if they think fit, allow the period of approved service, not being less than one year, which he was entitled to reckon at the end of his service in the first-mentioned force, to be reckoned as approved service,

if he pays or has paid to the police authority of that other force the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him in respect of his service in the first-mentioned force.

(3) Payments by a member of a police force under this section shall be effected by means of deductions from pay, or otherwise as the police authority may determine.

Service in more than one capacity.

**10.**—(1) Where a person has served in two or more of the following capacities—

(i) as a civil servant within the meaning of the Superannuation Act, 1887, or as an officer of the staff of the metropolitan police within the meaning of the Metropolitan Police Staff (Superannuation) Act, 1875; 50 & 51 Vict. c. 67. 38 & 39 Vict. c. 28.

(ii) in a police force with a salary paid out of the police fund;

(iii) in a police force with a salary paid wholly out of money provided by Parliament;

(iv) in a police force with a salary paid partly out of money provided by Parliament;

he shall be entitled to reckon his entire period of service (other than service before attaining the age of twenty) in both or all capacities for the purpose of pension, and the pension shall be on the scale and subject to the statutory requirements affecting pensions in the service from which he last retires:

Provided that—

(*a*) for the purpose of pension, three years of police service shall be reckoned as equivalent to four years of service as a civil servant or as an officer of the staff of the metropolitan police, and vice versa; and

(*b*) the pension shall be payable from money provided by Parliament and from the police fund or funds in such proportions as may be determined by the Treasury, regard being had to the period of approved service and the pay received in each capacity; and

(*c*) the pension of one of His Majesty's inspectors of constabulary who has previously served in a police force may be increased by such an

amount as the Treasury may consider fair and reasonable having regard to the amount of pension which he would have been entitled to receive had he continued to serve in the police force.

(2) In this section the expression "pension" includes any gratuity, allowance or other similar payment.

Service of men belonging to reserve forces.

**11.** Where a member of a police force with the knowledge of the police authority or of the chief officer of the force belongs to any royal naval reserve force or to the army reserve or air-force reserve, and is required for training or called into actual service or called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement of such training or service; and his period of training or service and any period during which he was incapacitated for police duty owing to an injury received during his period of training or service without his own default, shall be reckoned in the computation of the approved service.

*Grant, Revision, Forfeiture, and Offences in respect of Pensions.*

Proof of incapacity for duty, liability to serve again, and revision of pension.

**12.**—(1) Before granting a pension or gratuity on the ground that a member of a police force is incapacitated by infirmity of mind or body for the performance of his duty, the police authority shall be satisfied by the evidence of some duly qualified medical practitioner or practitioners, selected by the police authority, that he is so incapacitated, and that the incapacity is likely to be permanent.

(2) Where the application is for a special pension, the police authority shall also be satisfied that the injury was received in the execution of duty, that it was received without the default of the applicant, and that the infirmity is attributable to the injury, and shall determine whether the injury was accidental or not, and the degree of disablement; and, for the purpose of determining any of the said questions which ought to be determined on medical grounds, shall take the like evidence as above mentioned.

(3) Where any pension is granted on the ground of incapacity for the performance of duty, the police authority

shall, yearly or otherwise, until the power under this section of requiring the pensioner to serve again ceases, satisfy themselves that the incapacity continues, and, unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4) In the event of the incapacity ceasing before the time at which the pensioner would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the police authority may cancel his pension and require him to serve again in the police force, in a rank not lower than the rank which he held before his retirement, and at a rate of pay not less than that on which his pension was calculated.

(5) Where a pensioner so serves again, the provisions of this Act shall apply as if he had not previously retired, save that, except where the pension was granted in respect of a non-accidental injury received in the execution of duty, he shall not reckon as approved service the time which elapsed between his former retirement and the recommencement of his service.

(6) Any special pension shall be granted for such period as may be fixed by the police authority, and, if at the expiration of that period the degree of disablement is unaltered, the pension shall, at the discretion of the police authority, be either renewed from time to time or made permanent. If within five years of the pensioner's retirement or at any time before the pension is made permanent the police authority are satisfied by the evidence of a duly qualified medical practitioner that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed according to the degree of disablement.

(7) If a member of a police force or pensioner refuses or wilfully or negligently fails, when required by the police authority, to be examined by some duly qualified medical practitioner selected by that authority, the police authority may deal with him in all respects as if they were satisfied by the evidence of such a practitioner as to whether he is incapacitated for the performance of duty or, as the case may be, as to the degree of his disablement.

(8)—(*a*) Where, for the purposes of this section, any person is medically examined by a medical practitioner selected by the police authority, and is dissatisfied with

his opinion on any medical question, he may appeal, in accordance with rules made by the Secretary of State, to an independent person nominated by the Secretary of State.

(*b*) The police authority shall be bound by the decision of any medical question which is determined on any such appeal, but, subject to this provision, the decision of the police authority on any question arising under this section shall be final.

(*c*) Rules made by the Secretary of State for the purposes of this section may make such provision as appears expedient with respect to the costs of any appeal.

Power to reduce pension where infirmity is due to misconduct.

**13.** Where a member of a police force retires on account of infirmity of mind or body, and the police authority are satisfied on medical evidence that he has brought about or contributed to the infirmity by his own default or his vicious habits, the police authority may, in their discretion, reduce the amount of his pension or gratuity by an amount not exceeding one half of that to which he would be otherwise entitled.

Assignment of pensions and regulations as to payment of pensions, &c.

**14.** The following provisions shall have effect with respect to every pension, allowance and gratuity (in this section referred to as a grant) payable by the police authority to any person (in this section referred to as the pensioner):—

(1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any parochial relief is given to a pensioner or to anyone whom the pensioner is liable to maintain, the police authority may pay the whole or any part of the grant, or of the instalment thereof next due, to the guardians or other authority giving the relief, and any sum so paid may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3) If the pensioner neglects to maintain any person whom the pensioner is liable to maintain, the police authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4) Where any sum is due from the pensioner to the police authority the police authority, or, in the case of the metropolitan police, the Receiver for the metropolitan police district, may deduct the amount of any such sum from the grant:

(5) If the pensioner appears to the police authority to be insane or otherwise incapacitated to act, the police authority may pay so much of the grant as they think fit to the institution or person having the care of the pensioner, but shall in such case pay the surplus (if any) for or towards the maintenance and benefit of the dependants (if any) of the pensioner except so far as the said surplus may be otherwise applied for the benefit of the pensioner:

(6) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the police authority so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the police authority to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased pensioner, to or among such persons as the police authority may think fit, and the police authority, and any officer of the police authority making the payment, shall be discharged from all liability in respect of any such payment or distribution:

(7) Every grant which is a pension or allowance shall be paid, after the first instalment, in advance, except in the case of refusal to quit police quarters or any premises owned or rented by or on behalf of the police authority or the Receiver for the metropolitan police district, or to give up any equipment, or to make any

payment due to the police authority or the Receiver; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death:

(8) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the police authority seems expedient:

(9) Where a payment is made to any person by a police authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid.

Forfeiture of pension or allowance.

**15.**—(1) A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the police authority, in any of the following cases, that is to say, if the grantee—

(*a*) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months; or

(*b*) knowingly associates with thieves or reputed thieves; or

(*c*) refuses to give to the police all information and assistance in the power of the grantee, for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace; or

(*d*) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the police in a manner which the police authority consider to be discreditable or improper; or

(*e*) supplies to any person or publishes in a manner which the police authority consider to be discreditable or improper any information which the grantee may have obtained in the course of employment in the police; or

(*f*) solicits, or, without the consent of the police authority, accepts directly or indirectly any

testimonial or gift of a pecuniary value on retirement from the police, or otherwise in connection with his service in the force; or

(*g*) enters into or continues in any business, occupation or employment as a private detective, after being prohibited to do so by the police authority on any reasonable grounds.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary, as the police authority may determine.

Penalty for obtaining pension, &c. by fraud.

**16.**—(1) If a person obtains or attempts to obtain for himself or for any other person—

(*a*) any pension, gratuity, or allowance under this Act, or any payment on account thereof; or

(*b*) the return of any rateable deductions from pay under this Act;

by means of any false declaration, false certificate, false representation, false evidence, or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and in either case to forfeit any pension, gratuity, allowance or other sum so obtained.

(2) Any fine imposed or sum forfeited for an offence under this section shall be paid to the police fund of the force from which the pension, gratuity, allowance or other sum was obtained or attempted to be obtained.

Appeal in case of forfeiture or refusal of pension, gratuity or allowance.

**17.**—(1) Where—

(*a*) a pension or allowance after being granted has subsequently in pursuance of this Act been declared to have been forfeited; or

(*b*) any person claims as of right a pension, allowance or gratuity under this Act, and the police authority do not admit the claim; or

(*c*) any person claims as of right a pension, allowance or gratuity under this Act larger than that granted to that person;

the person aggrieved may apply to the police authority for a re-consideration of the case, and, if aggrieved by the decision upon such re-consideration, may apply to the next practicable court of quarter sessions for the county within which the member of a police force concerned last served, or if he last served in the police force of a borough having a separate police force and a separate court of quarter sessions, then to the next practicable court of quarter sessions for that borough, and that court, after inquiry into the case, may make such order in the matter as appears to the court just; but nothing in this section shall confer a right to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

(2) An appeal shall lie on a point of law from any decision of quarter sessions under this section to the High Court in accordance with rules of court, and the decision of the High Court shall be final, but in all other respects the decision of quarter sessions shall be final.

Suspension of pension in case of service in another force.

**18.** Where a person in receipt of a pension under this Act from a police authority takes service in any police force, his pension may be suspended by that police authority in whole or in part so long as he remains in that service:

Provided that this section shall not apply to a member of the first class of the police reserve called up for active service, or to an ex-member of a police force who joins a force for service in an emergency.

*Rateable Deductions.*

Rateable deductions from pay.

**19.** The police authority of every police force shall deduct from the pay of every member of the force sums at the rate of two and a half per cent. per annum on his pay (in this Act referred to as rateable deductions).

Return of rateable deductions.

**20.**—(1) Where a member of a police force, not having been dismissed or required to retire as an alternative to dismissal, leaves the force without a pension or gratuity, the police authority, except where he leaves in such circumstances as will enable him to reckon his approved service in the force for the purpose of pension, shall pay

him the whole of the rateable deductions which have been made from his pay.

(2) Where a member of a police force is required to retire as an alternative to dismissal, the police authority may, if they think fit, pay him the whole or any part of such rateable deductions as aforesaid, or apply the same in such manner as they think fit for the benefit of his wife or children (if any), and, where a member of a police force is dismissed, the police authority may, if they think fit, apply the whole or any part of such rateable deductions as aforesaid in such manner as they think fit for the benefit of his wife or children (if any).

*General.*

Saving of right of dismissal and reduction in rank.

**21.** Nothing in this Act shall prejudice any existing right of dismissing a member of a police force, or requiring him to retire as an alternative to dismissal, or reducing him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct, or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

Payment of pensions out of police fund.

**22.**—(1) All payments to the members of any police force or their widows, children, and dependants under this Act, or any enactment repealed thereby, and all payments by one police authority to another under this Act or any such enactment, and all other payments which in any enactment are directed to be made out of the pension fund, shall be made out of the police fund, and the pension funds of all police forces to which this Act applies shall be abolished.

(2) The payments specified in the Second Schedule to this Act (being payments which before the passing of this Act were made into the pension fund) shall, in lieu of being made into that fund, be made into the police fund, and the assets of any pension fund abolished under this section shall, subject to any directions of the Secretary of State, be transferred to the police fund:

Provided that any investments standing to the credit of a pension fund shall, subject to such directions as aforesaid, continue to be held by the police authority as investments, and any income therefrom shall be paid to the police fund.

53 & 54 Vict. c. 60.

(3) The annual sums required under the Local Taxation (Customs and Excise) Act, 1890, as amended by any subsequent enactment, to be applied for the purpose of police superannuation in England and Scotland respectively shall be distributed amongst the police funds in England and Scotland respectively in the proportions in which those sums were distributed in the financial year ended the thirty-first day of March, nineteen hundred and fifteen, amongst the pension funds in England and Scotland respectively :

Provided that the apportionment of the amount so to be distributed in the case of a borough police force established since the year nineteen hundred and thirteen shall be determined by agreement between the council of the borough and the council of the county in which it is situated, or, in default of agreement, by the Secretary of State.

(4) Nothing in this section shall affect the method in force at the time of the commencement of this Act of paying pensions in the case of the county police in the divisions of Lincolnshire, or the payments to be made into the fund out of which those pensions are paid, and the enactments relating to that fund shall continue to apply thereto, and, for the purpose of the last preceding subsection, that fund shall be deemed to be the police fund :

Provided that, if a joint committee of the several standing joint committees for the three divisions of Lincolnshire should hereafter be constituted for general police purposes, such committee shall thereafter have the management of the joint superannuation fund in lieu of the joint committee appointed under the provisions of section twenty-two of the County and Borough Police Act, 1859, as amended by section seven of the Police (Superannuation) Act, 1865.

22 & 23 Vict. c. 32.
28 & 29 Vict. c. 35.

(5)—(*a*) A police authority shall not, in respect of any year, receive any payment under this section unless the Secretary of State gives a certificate that the management and efficiency of the police force under that authority and the administration of this Act by that authority have, during that year, been satisfactory ; and, if the Secretary of State withholds that certificate as regards any police authority, the amount which would otherwise be payable to that authority under this section shall be forfeited to the Crown and paid into the Exchequer.

(*b*) Before any such certificate is finally withheld in respect of any police force, the Secretary of State shall communicate with the police authority of the force, and that authority may address any statement on the subject to the Secretary of State; and, in every case in which the certificate is withheld, a statement of the grounds on which the Secretary of State has withheld his certificate, together with any such statement of the police authority, shall be laid before Parliament.

Power for police authority to make regulations.

**23.** Subject to the provisions of this Act and of any regulations made under any statutory powers of the Secretary of State, every police authority may make regulations with respect to—

(*a*) the deductions from service for sickness, misconduct or neglect of duty; and

(*b*) the mode in which pensions are to be paid; and

(*c*) the declarations to be made as a condition of the payment of pensions, gratuities, or allowances payable by the authority;

and otherwise for the purpose of giving effect to the provisions of this Act.

Application to chief officers of police.

**24.** The provisions of this Act, unless otherwise expressly stated, shall apply to a chief officer of police in like manner, so nearly as circumstances admit, as they apply to any other member of a police force, except that the certificate of approved service and the sanction to removal from one force to another may be given by the police authority.

Application to metropolitan police.

**25.** This Act shall apply to the metropolitan police force, subject as follows:—

(1) Anything authorised or required to be done with the approval of a Secretary of State, or by a Secretary of State on the submission or application of a police authority, may be done by a Secretary of State alone:

(2) The court of quarter sessions to which an application is to be made with respect to a decision as to a pension, gratuity or allowance shall be the court of quarter sessions for the county of London:

(3) The rateable deductions from the salary of the commissioner of police of the metropolis and from such part of the salaries of the assistant commissioners of police of the metropolis as is paid out of money provided by Parliament, shall be paid into the Exchequer:

(4) The provisions of this Act as to the age of compulsory retirement and the age of retirement without medical certificate shall apply to the commissioner, assistant commissioners, and deputy assistant commissioners of police of the metropolis as they apply to a chief constable:

(5) The rates and conditions of pension of the commissioner, assistant commissioners, and deputy assistant commissioners of police of the metropolis shall be regulated by the provisions of this Act, and not by the provisions of the Metropolitan Police Staff (Superannuation) Act, 1875, subject, however, to any special arrangement which may be made in exceptional circumstances in the public interest by the Secretary of State with the approval of the Treasury.

Application to City of London police.

**26.**—(1) In the application of this Act to the City of London—

(*a*) the expression "member of a police force" shall include the commissioner, assistant commissioner, surgeon and any officer of the City of London police force and any clerk or person employed in or in connection with that force;

(*b*) the provisions as to the age of compulsory retirement and the age of retirement without medical certificate shall apply to the commissioner and assistant commissioners of the City of London police as they apply to a chief constable.

(2) The court of quarter sessions to which an application is to be made with respect to a decision as to a pension, gratuity or allowance shall, in the case of the City of London Police, be the Court of Quarter Sessions for the City of London.

(3) All pensions or gratuities payable by the Common Council to widows of members of the police force of the City of London shall, as from the commencement of this Act, be payable out of the police rate of the City of London.

(4) The application of this Act to the City of London police force shall not prejudice any right possessed at the date of the passing of this Act by any member of that force.

Application to police reservists.

**27.** Where a member of the first class of the police reserve is called up for active service with a police force, or where an ex-member of a police force, whether a pensioner or not, joins a force for service in an emergency—

(1) If he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, or dies as the result of such injury, the same special pension to himself or pension to his widow and allowances or gratuities to his children or dependants shall be payable as are payable under this Act in the case of other members of a police force in similar circumstances, but based on his current rate of pay and his service with the force since he was last called to or joined the force as aforesaid;

(2) A special pension shall, in such case, be payable to a member of a police force in addition to his ordinary pension (if any), but no increase shall be made in such ordinary pension in respect of service to which this section relates;

(3) If the service to which this section relates is with a police force other than that in which he last previously served, then, if a pension becomes payable to his widow, the amount of a widow's ordinary pension shall, so long as the pension continues, be payable by the police authority of the force in which he previously served to the police authority of the force in which he was serving when injured, but any other pension, allowance or gratuity payable in respect of service in the force in which he was serving when injured shall be paid wholly by the police authority of that force.

Application to police women.

**28.** This Act, in its application to members of a police force who are women (hereinafter referred to as police women), shall have effect as from the date of their

appointment as members of the police force, subject to the following modifications:—

(1) No provision relating to pensions, gratuities or other payments to or for the benefit of the widow or wife of a member or ex-member of a police force shall apply to the widower or husband of a police woman:

(2) No allowance or gratuity shall be payable in respect of any child of a deceased police woman during the lifetime of the father, except where the police authority are satisfied that he cannot support the child:

(3) A police woman shall not be entitled to reckon as approved service any service before the passing of this Act unless she pays to the police authority a sum equal to the aggregate rateable deductions which would have been made from her pay if this Act had applied to her during such service.

Application to existing members of police forces and existing pensions.

**29.**—(1) This Act shall apply to members of a police force who were serving as such at the commencement of this Act, but—

(*a*) the scale of ordinary pensions prescribed by this Act for members of a police force shall not apply to any person, other than a police woman, who became a member of a police force before the first day of July, nineteen hundred and nineteen, and was serving as such at the commencement of this Act, unless within three months after the commencement of this Act he gives notice in writing to the police authority of his desire that those provisions shall apply to him, and, where no such notice is given, the scale of ordinary pensions applicable immediately before the commencement of this Act shall continue to apply as though this Act had not been passed; and

(*b*) the provisions of this Act as to the age of compulsory retirement shall not apply to any member of a police force so serving—

(i) unless and until he has completed the period of service prescribed by the pension scale applicable to his case as necessary to qualify him to retire without a medical certificate and receive a pension for life at a

rate equal to two-thirds of his pay at the time of his retirement; or

(ii) if he had, before the twenty-third day June, nineteen hundred and six, attained a rank above that of inspector.

(2) The widow of a member of a police force who was serving as such on the first day of September, nineteen hundred and eighteen, or who, having while serving in a police force been called out as a reservist, or entered or re-entered, enlisted or re-enlisted in any of His Majesty's naval, military or air forces for the purposes of the war, was on the said date serving in any of such forces shall, as from the commencement of this Act, be treated, for the purposes of the provisions of this Act relating to pensions and gratuities to widows, whether her husband died before or after the passing of this Act, in the same manner as though he had joined the force after the said date and completed five years' approved service.

(3) The provisions of sections twelve to eighteen inclusive, and sections twenty-two and twenty-three of this Act shall extend so far as applicable to all pensions, gratuities and allowances, whether granted before or after the commencement of this Act.

(4) Nothing in this Act shall affect the right of any member of a police force to reckon as approved service any service which he was entitled so to reckon at the date of the commencement of this Act.

Police areas and authorities.

**30.** In this Act, unless the context otherwise requires,—

The expression "police area" means one of the areas set forth in the first column of the Third Schedule to this Act; and the expressions "police authority," "chief officer of police," and "police fund," mean, as respects each police area, the authority, officer, and fund, respectively mentioned opposite to that area in the second, third, and fourth columns of that schedule; and the expression "police force" means a force maintained by one of the police authorities mentioned in the said schedule:

Provided that—

(*a*) in the case of a county the powers of a police authority under this Act with respect to the accounting for and payment of sums to be carried to the police fund and with respect to investments shall be exercised by the county council, and any sum payable under this Act by the police authority shall be payable by the county council on the requisition of the standing joint committee of the quarter sessions and the county council; and

(*b*) any contributions required to meet payments out of the county fund for the purposes of this Act shall be assessed in like manner as contributions to meet the expenses of the police force; and

(*c*) the exercise of the powers as to the grant of any pension, allowance or gratuity conferred by this Act on the watch committee of a borough shall be subject to the approbation of the council of the borough.

Act to supersede other Acts, &c.

**31.** The provisions of this Act shall have effect, notwithstanding anything in any other Act, general or local, or charter, to the contrary.

Special provisions as to fire brigades and fire police.

**32.**—(1) Where any local Act or Order contains provisions as to a fire brigade or fire police the Secretary of State, on the application of the local authority, may frame and submit to Parliament a Provisional Order repealing or modifying such provisions so as to bring them into harmony with the provisions of this Act, and he may, by such Order, unite any existing fire brigade pension fund with a police fund, and may make any other adjustments as may appear necessary to him in order to give effect to this Act.

(2) A Provisional Order under this section shall be of no force unless and until it is confirmed by Act of Parliament, but, when so confirmed, shall have effect with any modifications made therein by Parliament.

(3) If, where the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any Order comprised therein, the Bill, so far

as it relates to that Order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(4) All costs, charges and expenses incurred by the Secretary of State in relation to any Order under this section shall be defrayed by the authority applying for the Order.

(5) Where any members of a police force are employed under the directions of the police authority wholly or partly as firemen, any pension, allowance or gratuity granted to them or their widows, children or dependants shall be paid out of the police fund, and there shall be reckoned as carried to that fund from the fund or rate applicable to the purposes of the fire brigade or fire police such contributions as the Secretary of State may, by general or special order, determine to be a fair contribution in respect of such pensions, allowances and gratuities.

Interpretation.

**33.** For the purposes of this Act,—

(1) The expression "total disablement" means total loss of earning capacity in any employment, and, in the case of partial disablement, the degree of disablement shall be based upon the degree to which earning capacity is affected:

(2) Any injury suffered by a member of a police force:

(*a*) whilst on duty or whilst on a journey necessary to enable him to report for duty or to return home after duty; or

(*b*) whilst not on duty in the performance of some act which is within the scope of a constable's ordinary duties; or

(*c*) in consequence of some act performed in the execution of his duty; or

(*d*) whilst acting as a fireman, or assisting in the extinguishment of fire, or in protecting life or property from fire;

shall be deemed to have been suffered in the execution of his duty:

(3) Any injury intentionally inflicted, or incurred in the performance of a duty involving special

risks, shall be deemed to be a non-accidental injury.

Application to Scotland and Ireland.

**34.**—(1) This Act shall apply to Scotland subject to the following modifications :—

(*a*) The Secretary for Scotland shall be substituted for the Secretary of State, the Court of Session shall be substituted for the High Court, and the expression superintendent shall include lieutenant :

(*b*) The proviso to subsection (1) of the section of this Act relating to compulsory retirement, the proviso to subsection (2) of the section of this Act relating to service to be reckoned for pension, the proviso to subsection (3) of the section of this Act relating to payment of pensions out of the police fund and the section of this Act containing special provisions as to fire brigades and fire police shall not apply :

(*c*) In the application of the section of this Act relating to appeal in case of forfeiture or refusal of pension, gratuity or allowance, for references to a court of quarter sessions there shall be substituted a reference to the sheriff having jurisdiction in the place where the member of a police force concerned last served :

(*d*) In the application of the section of this Act relating to police areas and authorities, the Commissioners of Supply shall be substituted for the quarter sessions and provisoes (*b*) and (*c*) shall not apply :

(*e*) Subsection (1) of the section of this Act relating to the application of the Act to existing members of police forces and existing pensions shall not apply to Scotland, and in lieu thereof the following provisions shall apply to Scotland :—

"This Act shall apply to members of a police force who were serving as such at the commencement of this Act, but—

"(*a*) the scale of ordinary pensions prescribed by this Act for members of a police force shall not apply to any person who became a member of a police force before the first day of July, nineteen hundred and nine-

teen, and was serving as such at the commencement of this Act, if within three months after the commencement of this Act he gives notice in writing to the police authority of his desire that those provisions shall not apply to him, and, where such notice is given, the scale of ordinary pensions applicable at the time of the commencement of the Act shall continue to apply as though this Act had not been passed; and

"(*b*) the provisions of this Act as to the age of compulsory retirement shall not apply to any member of a police force so serving—

(i) unless and until he either has completed the period of service prescribed by the pension scale applicable to his case as necessary to qualify him to retire without a medical certificate and receive a pension for life, at a rate equal to two-thirds of his pay at the time of his retirement, or has attained, in the case of a sergeant or constable the age of sixty, in the case of a superintendent or inspector the age of sixty-five, or in the case of a chief constable or assistant chief constable the age of seventy; or

(ii) if he had, before the twenty-sixth day of July, nineteen hundred and ten, attained a rank above that of inspector."

(2) This Act shall not apply to Ireland, except so far as otherwise expressly stated.

Short title, commencement, and repeal.

**35.**—(1) This Act may be cited as the Police Pensions Act, 1921.

(2) This Act shall come into operation one month after the passing thereof.

(3) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that any regulations made under any enactment repealed by this Act shall, unless and until revoked or varied, continue in force as though they were made under this Act.

# SCHEDULES.

Section 5.

## FIRST SCHEDULE.

### SCALES OF PENSIONS, ALLOWANCES AND GRATUITIES.

### PART I.

### MEMBERS OF A POLICE FORCE.

(a) *Ordinary Pensions.*

1. *On retirement with twenty-five years' approved service or over.*—Such proportion of the annual pay as is specified in scale number 1, set out in the subjoined table.

2. *On retirement with ten years' approved service or over with medical certificate.*—Such proportion of the annual pay as is specified in scale number 2, set out in the said table.

(b) *Special Pensions.*

3. *On total disablement from an injury received in the execution of duty*—

(*a*) if the injury is non-accidental, such proportion of the annual pay as is specified in scale number 3 of the said table;

(*b*) if the injury is accidental, such proportion of the annual pay as is specified in scale number 4 in the said table;

(*c*) if it is not possible to determine definitely whether the injury is accidental or non-accidental, such rate intermediate between the rates prescribed in the preceding paragraphs (*a*) and (*b*) as the police authority may determine.

4. *On partial disablement from an injury received in the execution of duty.*—Such proportion of the pension applicable in case of total disablement as the degree of disablement bears to total disablement:

Provided that the pension shall not be less than such proportion of the annual pay as is specified, if the injury was non-accidental, in scale number 5 in the subjoined table, and otherwise in scale number 6 in the said table.

(c) *Gratuities.*

5. *On retirement with medical certificate with less than ten years' approved service.*—The gratuity shall be an amount equal to one twelfth of the annual pay for each completed year of approved service, or, where a member of a police force has not completed one year of approved service, an amount equal to the rateable deductions which have been made from his pay.

TABLE.

*Scales of Pensions.*

| Completed years of approved service. | Proportion of Pension to Pay on Retirement. | | | | | |
|---|---|---|---|---|---|---|
| | Scale No. 1. On retirement with 25 years' approved service or over. | Scale No. 2. On retirement with 10 years' approved service or over with medical certificate. | Scale No. 3. On total disablement from non-accidental injury received in execution of duty. | Scale No. 4. On total disablement from accidental injury received in execution of duty. | Scale No. 5. On partial disablement from non-accidental injury. | Scale No. 6. On partial disablement from accidental injury. |
| | 60ths. | 60ths. | 60ths. | 60ths. | 60ths. | 60ths. |
| 1 or less | — | — | 45 | 30 | 20 | 10 |
| 2 | — | — | 45 | 30 | 20 | 10 |
| 3 | — | — | 45 | 30 | 20 | 10 |
| 4 | — | — | 45 | 30 | 20 | 10 |
| 5 | — | — | 45 | 30 | 20 | 10 |
| 6 | — | — | 45 | 30 | 20 | 10 |
| 7 | — | — | 45 | 30 | 20 | 10 |
| 8 | — | — | 45 | 30 | 20 | 10 |
| 9 | — | — | 45 | 30 | 20 | 10 |
| 10 | — | 10 | 45 | 30 | 20 | 10 |
| 11 | — | 11 | 48 | 32 | 21 | 11 |
| 12 | — | 12 | 48 | 32 | 22 | 12 |
| 13 | — | 13 | 48 | 32 | 23 | 13 |
| 14 | — | 14 | 48 | 32 | 24 | 14 |
| 15 | — | 15 | 48 | 32 | 25 | 15 |
| 16 | — | 16 | 51 | 34 | 26 | 16 |
| 17 | — | 17 | 51 | 34 | 27 | 17 |
| 18 | — | 18 | 51 | 34 | 28 | 18 |
| 19 | — | 19 | 51 | 34 | 29 | 19 |
| 20 | — | 20 | 51 | 34 | 30 | 20 |
| 21 | — | 22 | 54 | 36 | 32 | 22 |
| 22 | — | 24 | 54 | 36 | 34 | 24 |
| 23 | — | 26 | 54 | 36 | 36 | 26 |
| 24 | — | 28 | 54 | 36 | 38 | 28 |
| 25 | 30 | 30 | 54 | 36 | 40 | 30 |
| 26 | 32 | 32 | 57 | 38 | 40 | 32 |
| 27 | 34 | 34 | 57 | 38 | 40 | 34 |
| 28 | 36 | 36 | 57 | 38 | 40 | 36 |
| 29 | 38 | 38 | 57 | 38 | 40 | 38 |
| 30 or over | 40 | 40 | 60 | 40 | 40 | 40 |

## PART II.

## WIDOWS AND CHILDREN.

### (a) *Widows' Pensions.*

6. *Widow's ordinary pension.*—The pension shall be—the amount specified under (i) or (ii) of the following scales whichever is the greater, that is to say—

Scale (i)—if her husband was a constable, sergeant, or sub-inspector at the time of his death or retirement, at the rate of 30*l.* a year ;

if he was an inspector (including sub-divisional or chief inspector) at the time of his death or retirement, at the rate of 40*l.* a year ;

if he was of a higher rank at the time of his death or retirement, at the rate of 50*l.* a year :

Scale (ii)—an amount ascertained according to the length of her husband's service and his pay at the time of his death or retirement as follows :

| Completed years of approved service. | Percentage of annual pay. |
|---|---|
| 30 years or over - - - - | 12½ per cent. |
| 25 years and under 30 - - - | 10 „ |
| 20 years and under 25 - - - | 8 „ |
| 15 years and under 20 - - - | 6 „ |
| 10 years and under 15 - - - | 4 „ |

subject, however, in the case of the widow of a pensioner, to a deduction equal to twenty-five per cent. of the amount for each complete year for which her husband's pension had been drawn.

7. *Widow's special pension.*—The pension shall be equal to one-third of her husband's annual pay at the time of his death or retirement.

### (b) *Widows' Gratuities.*

8. The gratuity shall be of such amount as the police authority shall determine, but not exceeding one-twelfth of her husband's annual pay for each completed year of approved service, or, where he had not completed one year of approved service, the amount of the rateable deductions which have been made from his pay.

### (c) *Children's Allowances.*

9. *Member of a police force or pensioner dying as the result of non-accidental injury received in the execution of duty.*—The allowance in respect of each child who has not

attained the age of sixteen shall be an annual allowance, up to the time that child attains the age of sixteen, at the rate of one-fifteenth of the annual pay; and, if he leaves no widow or the widow dies before all the children attain the age of sixteen, the allowance may be increased up to two-fifteenths of such pay in respect of each child under sixteen; but in any case the aggregate amount paid in any year by way of children's allowances when added to the widow's pension, if any, shall not exceed two-thirds of such pay.

10. *Member of a police force or pensioner dying from any other cause.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance up to the time that child attains the age of sixteen at the rate of—

10*l.* in the case of a person who was a constable, sergeant or sub-inspector at the time of his death or retirement;

12*l.* in the case of a person who was an inspector (including a sub-divisional or chief inspector) at the time of his death or retirement;

15*l.* in the case of a person who was of a higher rank at the time of his death or retirement:

Provided that the aggregate amount of such allowances in any year shall not exceed 30*l.*, 40*l.* and 50*l.* in the three cases respectively; but if he leaves no widow, or if the widow dies before all the children attain the age of sixteen, the actual allowance or allowances and the aggregate amount of any allowances may be increased by fifty per cent. above the sums hereinbefore mentioned.

(d) *Children's Gratuities.*

11. The gratuity shall be of such amount as the police authority may determine, not exceeding one-sixtieth of the annual pay for each completed year of approved service of the member of the force or pensioner, or, where he had not completed one year of approved service, not exceeding one-sixtieth of the annual pay, so that the total amount of any gratuity or gratuities granted to the children or to the widow and children does not exceed one-twelfth of the annual pay for each completed year of approved service, and the total amount of any gratuities granted to the children shall not, in any case, exceed the annual pay.

(e) *Dependants' Gratuities.*

12. The total amount of any gratuity or gratuities paid to a dependant or dependants of a member of a police force or pensioner shall not exceed the amount of the rateable deductions which have been made from his pay.

## PART III.

### GENERAL RULES.

13. The same person shall not be entitled, unless expressly so provided in this Act, to a gratuity in addition to a pension or allowance, or to both an ordinary pension and a special pension.

14. A gratuity shall be paid in one sum, except that in special cases it may be paid by instalments or applied on behalf of the grantee if the police authority consider that it would be to the advantage of a widow, child or dependant to do so; and a child's allowance or gratuity or a dependant's gratuity may be paid to a guardian or trustee if the police authority consider that it would be to the advantage of the child or dependant to do so.

15. If the widow of a member of a police force was at the time of his death living apart from her husband (not having been deserted by him), a pension or gratuity shall be paid to her only if the police authority are satisfied that he regularly contributed to her support; and the amount of a pension shall not, in such a case, exceed the amount which her husband contributed.

16. Subject to the provisions of section twenty-seven of this Act, the widow and children of a pensioner shall not receive any pension, allowance or gratuity unless the marriage took place before he retired on pension.

17. The pension of the widow of a member of a police force to whom a gratuity has been granted on retirement shall be payable as from such date after his death as the police authority may determine, and the pension of the widow of a pensioner shall be payable as from the end of the last period in respect of which her husband's pension was paid.

18. The payment of a widow's pension or the balance of a widow's gratuity shall, if at any time she re-marries, be suspended, but, in the event of her again becoming a widow, shall be resumed on proof to the satisfaction of the police authority that her circumstances are such that the pension or balance of gratuity is necessary for her support and that she is of good character and deserving of bounty out of public funds.

19. A widow's pension or the balance of a widow's gratuity shall be payable only so long as she is of good character.

20.—(*a*) In calculating any pension, gratuity or allowance for the purposes of this Act, "annual pay" means annual pay at the date of death or retirement as the case may require:

Provided that—

(i) where a member of a police force at the date of his retirement or death holds a rank to which he has been promoted within the three preceding years, his

annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date, so, however, that the pension, allowance or maximum gratuity payable shall not be less than if he had continued in his former rank; and

(ii) where the pay at the date of death or retirement was weekly pay, the amount of the annual pay shall be deemed to be fifty-two times the amount of the weekly pay.

(*b*) For the purpose of the foregoing provisions of this rule, the following only shall be recognised as ranks in a police force, that is to say, chief constable, assistant chief constable, superintendent, inspector, sergeant and constable:

(*c*) Provided that in Scotland the rank of lieutenant, in the metropolitan police the ranks of commissioner, assistant commissioner and deputy assistant commissioner, and in the City of London police the ranks of commissioner and assistant commissioner shall also be so recognised.

## SECOND SCHEDULE.

Section 22.

### Sums to be carried to Police Fund.

1. The amount of any fines imposed by a court of summary jurisdiction on members of a police force, or for assaults on members of a police force, and of any fines or portions of fines imposed by a court of summary jurisdiction for other offences, and awarded by the court to informers being members of a police force.

2. Fines or portions of fines, and fees payable to or received by members of a police force, and any other sums of any description which by any Act (including any local or personal Act) are directed or authorised to be carried to the superannuation or pension fund of a police force.

3. The fines imposed by a court of summary jurisdiction for offences under the Licensing Acts, 1872 and 1874, when committed within the police area, or for any offence under a general or local Act similar to any of those offences, unless the authority having control of the fund to which those fines would otherwise be carried otherwise resolve.

35 & 36 Vict. c. 94.
37 & 38 Vict. c. 49.

Section 30.

# THIRD SCHEDULE.

## PART I.

### ENGLAND AND WALES.

### POLICE AREAS AND AUTHORITIES.

| Police Area. | Police Authority. | Chief Officer of Police. | Police Fund. |
|---|---|---|---|
| The City of London as defined for the purposes of the Acts relating to the City police. | The Common Council. | The Commissioner of City of London police. | The funds out of which the expenses of the City police are paid. |
| The Metropolitan police district. | One of His Majesty's Principal Secretaries of State. | The Commissioner of police of the metropolis. | The metropolitan police fund. |
| A county - - | The standing joint committee of the quarter sessions and the county council. | The chief constable. | The county fund. |
| A borough - | The watch committee. | The chief constable. | The borough fund or borough rate or any fund or rate applicable under any local Act for the expenses of the police force. |
| The river Tyne within the limits of the Acts relating to the Tyne Improvement Commissioners. | The Tyne Improvement Commissioners. | The superintendent or other officer having the chief command of the police. | The tonnage rates and dues and other sums applicable under the Acts relating to the improvement of the river Tyne for the expenses of maintaining the police force. |

In this Schedule the expression "county" means an administrative county within the meaning of the Local Government Act, 1888, but does not include a county borough.

Such parts of any county as are within the Metropolitan Police District, or as form part of any other police area, shall not be deemed for the purposes of this Act to form part of the county police area.

## PART II.

### SCOTLAND.

### POLICE AREAS AND AUTHORITIES.

| Police Area. | Police Authority. | Chief Officer of Police. | Police Fund. |
|---|---|---|---|
| A county (not including any burgh). | The standing joint committee of the commissioners of supply and county council. | The chief constable. | The police rate. |
| A burgh - - | The town council. | The chief constable. | The burgh general assessment or any rate applicable to the expenses of the police. |

In this Part of this Schedule "burgh" means any royal, parliamentary, or police burgh which maintains a separate police force.

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## FOURTH SCHEDULE.

Section 35.

### ENACTMENTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 2 & 3 Vict. c. xciv. | An Act for regulating the Police in the City of London. | Sections 11 and 12; in section 13 the words "any wounds or injuries received, or;" section 87. |
| 37 Vict. c. xciv. | The City of London Police Act, 1874. | The whole Act. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 52 & 53 Vict. c. cxxvii. | The City of London Police Superannuation Act, 1889. | Sections 2 to 8; section 10; sections 13 and 14. |
| 53 & 54 Vict. c. 45. | The Police Act, 1890 - | Sections 1 to 22 (inclusive), 30 to 32 (inclusive), 35 and 36, and the First Schedule. |
| 53 & 54 Vict. c. 67. | The Police (Scotland) Act, 1890. | Sections 1, 2, 4 to 24 (inclusive), 25 (1) and (2), 27 to 29 (inclusive), 31 and 32, and the First Schedule. |
| 56 Vict. c. 10 | The Police Act, 1893 - | Section 1, section 2 (3), and sections 3 to 8 inclusive. |
| 57 & 58 Vict. c. vii. | The City of London Police Superannuation Act, 1894. | The whole Act. |
| 6 Edw. 7. c. 7 | The Police (Superannuation) Act, 1906. | The whole Act. |
| 8 Edw. 7. c. 5 | The Police (Superannuation) Act, 1908. | The whole Act. |
| 9 Edw. 7. c. 40. | The Police Act, 1909 - | Section 5. |
| 10 Edw. 7. and 1 Geo. 5. c. 10. | The Police (Scotland) Act, 1890 (Amendment) Act, 1910. | The whole Act. |
| 1 & 2 Geo. 5. c. lxxxiv. | The City of London (Various Powers) Act, 1911. | Section 25. |
| 8 & 9 Geo. 5. c. 51. | The Police (Pensions) Act, 1918. | Sections 1, 2, 3, and 5. |
| 9 & 10 Geo. 5. c. 46. | The Police Act, 1919 - | Section 6 and section 13 (3). |
| 10 & 11 Geo. 5. c. xxvii. | City of London (Various Powers) Act, 1920. | Section 11. |

# CHAPTER 32.

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance.

[4th August 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

## Part I.

### Customs and Excise.

Continuation of Customs duties imposed under 5 & 6 Geo. 5. c. 89. 9 & 10 Geo. 5. c. 32.

**1.** The following duties of Customs imposed by Part I. of the Finance (No. 2) Act, 1915, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), continue to be charged, levied and paid in the case of the new import duties until the first day of May, nineteen hundred and twenty-two, and in the case of the other duties until the first day of August, nineteen hundred and twenty-two, that is to say :—

| Duty. | Section of Act. |
|---|---|
| Increased duty on tea - - - - | 1 |
| Additional duties on dried fruit - - | 8 |
| New import duties - - - - | 12 |

Continuation of increased medicine duties.

**2.** The additional duties of Excise imposed by section eleven of the Finance (No. 2) Act, 1915, upon medicines liable to duty shall continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-two.

Duty on sparkling wine.

**3.**—(1) In lieu of the additional duty of Customs of five shillings per gallon and the further additional duty of Customs equal to thirty-three and one-third per cent. of the value of the wine payable on sparkling wine imported into Great Britain or Ireland, there shall, as from the tenth day of May, nineteen hundred and twenty-one, be charged, levied and paid on all sparkling wine imported into Great Britain or Ireland an additional duty of twelve shillings and sixpence per gallon.

53 & 54 Vict. c. 8.

(2) Subsection (2) of section eight of the Customs and Inland Revenue Act, 1890 (which provides that wine rendered sparkling in warehouse is to be deemed to be sparkling wine for the purpose of a certain duty of Customs imposed on sparkling wine), shall apply for the purpose of the duty imposed on sparkling wine by this section as it applied for the purpose of the duty mentioned in that subsection.

9 & 10 Geo. 5. c. 32.

(3) This section shall have effect subject to the provisions of section eight of the Finance Act, 1919, and as though the additional duty imposed by this section were the additional duty on sparkling wine referred to in the Second Schedule to that Act.

Additional duty on cigars repealed. 10 & 11 Geo. 5. c. 18.

**4.** The additional duty of Customs imposed on cigars by section nine of the Finance Act, 1920, shall be deemed to have ceased on the tenth day of May, nineteen hundred and twenty-one.

Repeal of duties on mechanical lighters. 6 & 7 Geo. 5. c. 24.

**5.** Section ten of the Finance Act, 1916, is hereby repealed.

Amendment with respect to exemption from railway passenger duty. 46 & 47 Vict. c. 34.

**6.**—(1) The Cheap Trains Act, 1883, shall have effect as though—

(*a*) for paragraphs (1) and (2) of section two (which provide for the abolition of passenger duty in the case of cheap trains and for its reduction

on urban traffic), there were substituted the following paragraphs:—

"(1) Fares not exceeding minimum fares shall be exempt from duty:

"(2) The duty on fares for conveyance between railway stations within one urban district certified so to be in manner provided by this section shall be payable at the rate of two per cent. instead of five per cent.:"

(*b*) in paragraph (*a*) of subsection (1) of section three (which requires provision to be made for proper third-class accommodation), the words "fares not exceeding the fares normally "charged for passengers conveyed in third "class carriages" were substituted for the words "fares not exceeding the rate of one penny a mile," and in section five the words "a fare not exceeding the minimum fare" were substituted for the words "a fare not exceeding the rate of one penny a mile":

(*c*) the following provision were inserted in section eight after the definition of "police authority"—

"The expression 'minimum fare' means the lowest fare normally charged to an adult or a child, as the case may be, for a single, a return, or a periodical ticket, as the case may be, for any journey, and the expression "normally charged" means charged otherwise than to a special class of passengers or on a special occasion:

"Provided that, where a ticket for any journey, whether a single, return or periodical ticket, entitles a person to be conveyed in a class of carriage superior to the class of carriage in which a person holding a ticket for that journey for which the minimum fare is payable is entitled to be conveyed, the fare for the first-mentioned ticket shall not be deemed to be a minimum fare."

(2) This section, in its application to any railway undertaking of which possession was not retained by the Minister of Transport under the Ministry of Transport Act, 1919, shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty.

9 & 10 Geo. 5. c. 50.

(3) Nothing in this section shall operate to charge with railway passenger duty any fares which were not at the commencement of this Act chargeable with such duty, and where, before the first day of January, nineteen hundred and seventeen, a fare for any journey was exempt from railway passenger duty, notwithstanding that it entitled a person to be conveyed in a class of carriage superior to that in which a person paying the lowest ordinary fare then chargeable for that journey was entitled to be conveyed, a fare entitling a person to be conveyed for the same journey and in the same class of carriage shall be exempt from duty if the proportion which that fare bears to the minimum fare does not exceed the proportion which the first-mentioned fare bore to the lowest ordinary fare chargeable before the said first day in January.

For the purpose of the foregoing provision, the expression "lowest ordinary fare" means the lowest fare chargeable otherwise than to a special class of passengers or on a special occasion.

Amendment of s. 1 of 6 & 7 Geo. 5. c. 11.

**7.**—(1) Entertainment duty, within the meaning of section one of the Finance (New Duties) Act, 1916, as amended by any subsequent enactment, shall not be charged on payments for admission to an entertainment as respects which it is proved to the satisfaction of the Commissioners that the entertainment—

(*a*) is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or some branch thereof, or the manufacturing industry, or some branch thereof, or the public health, and which is not conducted for profit; and

(*b*) consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists, or materials, machinery, appliances, or foodstuffs, used in the production of those products, or of

articles which are of material interest in connection with the questions relating to the public health, as the case may be.

(2) In this section the expression "society" includes a company, institution, or other association of persons, by whatever name called, the expression "agriculture" includes horticulture and live-stock breeding, and the expression "live-stock" includes animals of any description.

Amendment of s. 12 of 6 & 7 Geo. 5. c. 24.

**8.** Section twelve of the Finance Act, 1916 (which exempts from entertainments duty payments for admission to certain school entertainments), shall be amended as follows:—

(1) References therein to an educational institution shall be construed as including references to any organisation certified by a local education authority to be established and conducted for the purpose of providing social or physical training for children or young persons who are attending or have attended schools or educational institutions provided, aided, or maintained by that authority, and the reference therein to persons who are receiving or have received instruction in the school or institution shall be construed as including a reference to persons who are members of the organisation; and

(2) The words "under the age of eighteen years" shall be substituted for the words "under the age of sixteen years."

Amendment of s. 1 of 6 & 7 Geo. 5. c. 11.

**9.** Twopence shall be substituted for one penny in section one, subsection (5) (*c*), of the Finance (New Duties) Act, 1916.

Provision with respect to duty on licences for male servants. 32 & 33 Vict. c. 14. 39 & 40 Vict. c. 16. 3 Edw. 7. c. 36.

**10.**—(1) A person shall not be deemed to be a male servant for the purpose of the duty charged on male servants by the Revenue Act, 1869, notwithstanding that he is a male servant employed in one of the capacities specified in paragraph (3) of section nineteen of the said Act as amended by section five of the Customs and Inland Revenue Act, 1876, and section thirteen of the Motor Car Act, 1903, unless the employment in that capacity is also employment in a personal, domestic, or menial capacity.

(2) This section shall come into operation on the first day of January, nineteen hundred and twenty-two.

Allowance of Customs drawback on removal of goods to Isle of Man.

**11.**—(1) For the purpose of any enactment relating to the allowance of drawback of customs on the exportation of any goods, the removal of goods to the Isle of Man shall be deemed to be exportation, and subject to the provisions of any regulations made under this section drawback shall be allowed accordingly on goods so removed.

(2) The Commissioners of Customs and Excise (in this Part of this Act referred to as "the Commissioners") may make regulations prescribing the conditions on which drawback is to be allowed and paid in the case of goods removed to the Isle of Man, and may, by those regulations, modify in relation to goods removed to the Isle of Man any enactments allowing a drawback of customs on goods exported.

Drawback on deposit in warehouse of goods to be used as ships' stores.

**12.** Where drawback is payable on the shipment for use as ships' stores of any British goods the like drawback shall, subject to regulations made by the Commissioners, be allowed upon the deposit of any such goods in a bonded warehouse for use as ships' stores.

Amendment of law as to exportation or shipment as stores of playing cards.

25 & 26 Vict. c. 22.

**13.**—(1) Subject to compliance with such regulations as to security and otherwise as the Commissioners may prescribe, a licensed maker of playing cards may deposit in a bonded warehouse for the purpose of being exported or shipped as ships' stores any playing cards made by him without the cards being enclosed in wrappers in manner required by the Revenue Act, 1862, and may remove from the warehouse for exportation or shipment as ships' stores any cards so deposited.

(2) In section thirty-seven of the Revenue Act, 1862, (which relates to the exportation of unstamped playing cards,) references to the exportation of playing cards shall include references to the shipment of playing cards for use as ships' stores on board a vessel proceeding on a voyage to a foreign port.

Power to make regulations with respect to

**14.**—(1) The Commissioners may make regulations for securing the duties on, and regulating the manufacture of, any spirits manufactured in Great Britain or

Ireland by any process other than the distillation of a fermented liquor, and may make different regulations in respect of different processes of manufacture, and may by those regulations apply, with or without modification, in relation to any such process or in relation to any spirits manufactured thereby, any of the provisions of the Spirits Act, 1880, or any enactment amending that Act, or exclude the application of any of those provisions in relation to any such process or spirits, or may modify any of those provisions in their application to any such process or spirits.

spirits manufactured otherwise than by distillation.

43 & 44 Vict. c. 24.

(2) Nothing in any Act or provisional order relating to any gas works or gas company shall operate so as to exempt any person from the provisions of any regulation made under this section.

(3) If any person acts in contravention of or fails to comply with any regulation made under this section he shall for each offence be liable to an excise penalty of two hundred pounds, and the spirits in respect of which the offence was committed shall be forfeited.

(4) Section five of the Spirits Act, 1880 (which prohibits the distilling, &c., of spirits without licence), shall have effect as though there were inserted at the end of subsection (1) thereof the following paragraph:—

"(*d*) Manufacture spirits by any process other than distillation."

**15.**—(1) Notwithstanding anything in subsection (5) of section one hundred and twenty-three of the Spirits Act, 1880, or in subsection (1) of section eight of the Finance Act, 1902, imported spirits may be used by an authorised methylator for making power methylated spirits or industrial methylated spirits, or may be received by a person for use in any art or manufacture under the said section eight, in the case of spirits chargeable with duty at the preferential rate without any payment, and in the case of spirits chargeable with duty at the full rate on payment of the difference between the full rate and the preferential rate.

Provision as to duty on foreign spirits used for making power or industrial methylated spirits or in manufactures, and as to the allowance in respect of spirits so used.

(2) The allowance of threepence per gallon payable under section one of the Revenue Act, 1906, and section eleven of the Finance Act, 1920, in respect of spirits used for making power methylated spirits or industrial methy-

2 Edw. 7. c. 7.
6 Edw. 7. c. 20.

lated spirits or spirits used in any art or manufacture under section eight of the Finance Act, 1902, shall cease to be payable in the case of imported spirits and shall be increased to fivepence in the case of British spirits.

(3) In this section the expression "imported spirits" means spirits other than British spirits.

Provision with respect to power methylated spirits.

**16.**—(1) The Commissioners may make regulations with respect to the manufacture, storage, removal, sale, use, and supply of power methylated spirits, and the importation, removal, storage, and use of spirits to be used in the manufacture of power methylated spirits, and may by those regulations modify in their application to power methylated spirits any of the provisions of Part II. of the Spirits Act, 1880, and any other enactments relating to methylated spirits, or exclude the application of any of those enactments in relation to power methylated spirits, and modify in their application to spirits to be used in the manufacture of power methylated spirits any enactments relating to the importation or removal of spirits.

(2) If any person acts in contravention of or fails to comply with any regulation made under this section, he shall, without prejudice to any liability under Part II. of the Spirits Act, 1880, or otherwise, be liable for each offence to an excise penalty of one hundred pounds, and the spirits in respect of which the offence was committed shall be forfeited.

(3) In this section the expression "power methylated spirits" has the same meaning as in section eleven of the Finance Act, 1920.

Amendment of s. 8 of 42 & 43 Vict. c. 21.

**17.**—(1) Section eight of the Customs and Inland Revenue Act, 1879 (which gives power to prohibit the exportation and carriage coastwise of certain goods), shall extend to weapons and munitions of war of every description and firearms not being weapons of war, and ammunition for such firearms, as it applies to the goods therein mentioned.

(2) The said section, as amended by this section, shall extend so as to give power to prohibit the shipment as ships' stores, whether on vessels proceeding to foreign ports or on coastwise voyages, of any of the goods to

which the said section applies, and the provision in the said section relating to a penalty shall have effect accordingly subject to the necessary modifications.

Use of false scales, weights, &c. in connection with Customs and Excise.

**18.**—If any person—

(*a*) being a person who is required, by or by virtue of any enactment relating to the Customs or Excise or to the construction of works for the accommodation of officers of Customs and Excise, or by or by virtue of any regulation or order of the Commissioners, to keep scales, weighing or measuring machines or instruments, weights or measures, provides, uses, or permits to be used any false, unjust, or insufficient scales, weighing or measuring machines or instruments, weights or measures, or practises any device or contrivance by which any officer of Customs and Excise may be prevented from, or hindered or deceived in, taking a just and true account or making a due examination; or

(*b*) being a person by whom or on whose behalf articles are weighed or measured for the purpose of any account taken or to be taken, or of any examination made or to be made, by any officer of Customs and Excise, practises, either before, during, or after the weighing or measuring, any device or contrivance by which any such officer may be prevented from, or hindered or deceived in, taking a just and true account or making a due examination,

he shall for each offence be liable to a penalty of two hundred pounds, and any false, unjust, or insufficient scales, weighing or measuring machines or instruments, weights or measures, and any articles in respect of or in connection with which the offence was committed, shall be forfeited.

Amendment of s. 11 of 5 & 6 Geo. 5. c. 7.

**19.** Section eleven of the Finance Act, 1914 (Session 2) (which imposes a penalty for non-compliance with Customs orders as to the entry and clearance of goods before shipment), shall have effect as if for the words

"fails to comply with the order" there were substituted the words "ships or attempts to ship any goods in "contravention of the order."

Amendment of s. 13 of 39 & 40 Vict. c. 36.

**20.** The words "except existing warehouses of special "security in respect of which security by bond has "hitherto been dispensed with" in section thirteen of the Customs Consolidation Act, 1876 (which provides for the security to be given by a warehouse keeper), shall cease to have effect.

Amendment of law as to excise entries by corporations. 61 & 62 Vict. c. 46.

**21.** For the purposes of section fifteen of the Revenue Act, 1898 (which amends the law as to excise entries), an excise entry in respect of a trade or business carried on by a corporation shall be treated as being under the seal of the corporation if it is signed by some person authorised in that behalf by the corporation under its seal.

Power to issue licences for mechanically-propelled vehicles for periods less than a year.

**22.**—(1) On and after the first day of January, nineteen hundred and twenty-two, licences under the Finance Act, 1920, in respect of mechanically propelled vehicles (other than tramcars or vehicles on which a duty of five shillings is chargeable under that Act) may be taken out for such periods of the year and on payment of duty at such rates as the Minister of Transport may by order prescribe:

Provided that—

(*a*) every rate of duty prescribed under this section in respect of a licence taken out for any vehicle for any period of the year shall be such as to bear to the full annual duty chargeable in respect of that vehicle no less proportion than the period for which the licence is taken out bears to a year; and

(*b*) the rate of duty so prescribed in respect of a licence for any vehicle to which proviso (*a*) to subsection (2) of section thirteen of the Finance Act, 1920, applies for any such period as is mentioned in that proviso shall not exceed thirty per cent. of the full annual duty, and the rate prescribed in respect of a licence for a cycle taken out on or after the first day of October in any year shall not exceed one-half of the full annual duty.

(2) Proviso (*a*) to subsection (2) of section thirteen of the Finance Act, 1920, and the words "cycle or" in proviso (*b*) to the said subsection are hereby repealed.

Duties of Commissioners of Customs and Excise in relation to analysis of articles under Food and Drugs Acts, 1875 to 1907, transferred to Government Chemist.

**23.** Where under any of the provisions of the Food and Drugs Acts, 1875 to 1907, as amended by the Excise Transfer Order, 1909, any article of food or drug is to be sent to the Commissioners for analysis, the article of food or drug shall, instead of being so sent, be sent to the Principal Government Chemist at the Government Laboratory, and the said chemist shall make an analysis and give a certificate to the justices or court of the result of the analysis.

## Part II.

## Income Tax.

Income tax and super-tax for 1921–22.

8 & 9 Geo. 5. c. 40.

**24.**—(1) Income tax for the year 1921–22 shall be charged at the rate of six shillings, and the rates of super-tax for that year shall, for the purposes of section four of the Income Tax Act, 1918, as amended by the Finance Act, 1920, be the same as those for the year 1920–21.

(2) All such enactments relating to income tax and super-tax respectively as were in force with respect to the duties of income tax and super-tax granted for the year 1920–21, shall have full force and effect with respect to the duties of income tax and super-tax respectively granted by this Act.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B., or of inhabited house duty, for the year 1920–21, shall be taken as the annual value of that property for the same purpose for the year 1921–22:

Provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed as referring to a year of assessment ending on the twenty-fourth day of May instead of to a year of assessment ending on the fifth day of April; and

(*b*) shall not apply to lands, tenements, and hereditaments in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act,

32 & 33 Vict. c. 67.

1869, is, by that Act, made conclusive for the purposes of income tax and inhabited house duty.

Declaration as to ss. 43 and 44 of 8 & 9 Geo. 5. c. 40.

**25.**—(1) For the purpose of removing doubts, it is hereby declared that sections forty-three and forty-four of the Income Tax Act, 1918 (which grant certain reliefs for any year of assessment as respects which they are respectively continued in force by any Act), were not continued in force for the year 1920–21, and the said sections are hereby repealed.

(2) If, in any case, any person has been assessed or charged to tax (including super-tax) or has been allowed relief from tax on the basis that the said sections were continued in force for the year 1920–21, all such adjustments, amendments of assessments, and payments of tax shall be made as are necessary for securing that that person shall be charged to and pay tax (including super-tax) on the basis that the said sections were not continued in force for the said year.

Rule 3 (1) of Miscellaneous Rules applicable to Schedule D. not to apply if person charged carries on trade throughout year of assessment.

**26.**—(1) Paragraph (1) of Rule 3 of the Miscellaneous Rules applicable to Schedule D. shall not apply in any case where the person charged to tax has continued to carry on throughout the year of assessment the trade, profession, employment or vocation in respect of which the assessment was made.

(2) This section shall be deemed to have been in force as respects income tax (including super-tax) charged for the year 1920–21, and all such adjustments, amendments of assessments, and payments of tax (including super-tax) shall be made as are necessary for giving effect to the provisions of this subsection.

Power of holder of certain Government securities to require income tax to be deducted before payment of interest.

**27.**—(1) The holder of any inscribed bonds or other securities, the interest on which is by virtue of directions given under section forty-nine of the Income Tax Act, 1918, or under any enactments repealed by that Act, payable without deduction of income tax, may make an application to the Bank under this section requesting that income tax shall be deducted from the interest on those bonds or securities before payment thereof, and, where any such application is made, income tax in respect of the interest on those bonds or securities shall, so long as they remain inscribed in the name of the person making the application and subject to the withdrawal

of the application as hereinafter authorised, be deducted and charged in the same manner as if they were not bonds or securities to which the said section applied, and section twenty-five of the Finance Act, 1919, shall have effect as if, during the period in which the interest was paid without deduction of income tax, those bonds and securities were original securities, and as if thereafter they were substituted securities within the meaning of that section.

(2) An application under this section shall be in such form as the Bank, with the approval of the Treasury, may prescribe, and any application made less than two months before the date on which any interest is payable shall only have effect as regards any payment of interest subsequent to the payment falling due on that date.

(3) An application made under this section may at any time be withdrawn by notice to the Bank in such form as the Bank with the approval of the Treasury may prescribe, but an application so withdrawn shall, notwithstanding the withdrawal, continue to have effect as regards any interest payable less than two months after the date on which the notice is received at the Bank.

(4) Where any bonds or securities to which this section applies are held upon trust, the holders of the bonds or securities may make an application under this section in respect thereof without the consent of any other person, notwithstanding anything in the instrument creating the trust.

(5) In this section—

The expression "the Bank" means the Bank of England or the Bank of Ireland as the case requires:

The expression "inscribed" means inscribed in the books of the Bank and includes "registered."

Provision as to determination of claims for relief in respect of Dominion income tax.

**28.**—(1) Notice of any claim for relief under section twenty-seven of the Finance Act, 1920 (which gives relief from United Kingdom income tax in respect of Dominion income tax), together with particulars of the claim, shall be given in writing to the surveyor of taxes or, in the case of a claim made by a person who is not resident in the United Kingdom, to the Commissioners of Inland Revenue, and, where an objection is made to the claim by the surveyor or commissioners, as the case may be, the

special commissioners shall hear and determine the claim in like manner as in the case of an appeal to them against an assessment under Schedule D., and the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications.

(2) The special commissioners in determining a claim under the said section twenty-seven shall have power to determine the rate at which relief is to be given and the amount of the relief to be given, and all questions whatsoever incidental to the determination of the matters as aforesaid.

6 & 7 Geo. 5. c. 24.

(3) The provisions of this section shall apply to any claims under section forty-three of the Finance Act, 1916, or section fifty-five of the Income Tax Act, 1918, which have not been finally determined at the commencement of this Act, as those provisions apply to claims under the said section twenty-seven.

Evidence of payment of wages in certain proceedings for recovery of income tax.

**29.** In any proceedings for the recovery of income tax under subsection (2) of section one hundred and sixty-nine of the Income Tax Act, 1918, (which provides for the summary recovery of income tax assessed and charged quarterly) a written statement as to the wages paid for any period to the person against whom the proceedings are brought, purporting to be signed by his employer for that period or by any responsible person in the employment of the employer, shall be prima facie evidence that the wages therein stated to have been paid to the person charged have in fact been so paid.

Exemption from income tax in respect of lands owned and occupied by charities and of profits of trades carried on by beneficiaries of charities.

**30.**—(1) Exemption shall be granted—

(*a*) from income tax under Schedule A. in respect of lands, tenements, hereditaments, and heritages owned and occupied by a charity, not being such lands, tenements, hereditaments or heritages as are mentioned in No. VI. of Schedule A.;

(*b*) from income tax under Schedule B. in respect of lands occupied by a charity:

Provided that the exemption under this paragraph shall not apply in the case of lands which are occupied for the purpose of husbandry unless the work in connection with the

husbandry is mainly carried on by beneficiaries of the charity and the profits, if any, arising therefrom are applied solely to the purposes of the charity;

(*c*) from income tax under Schedule D. in respect of the profits of a trade carried on by any charity, if the work in connection with the trade is mainly carried on by beneficiaries of the charity and the profits are applied solely to the purposes of the charity.

In the proviso substituted for this para. by s. 24 of the Finance Act 19

(2) The exemption granted by paragraphs (*a*) and (*b*) of subsection (1) of this section shall not extend to tax in respect of any rent payable or other annual payment to be made by a charity in respect of the lands, tenements, hereditaments, or heritages, or to any parts of those lands, tenements, hereditaments, or heritages, which are in the use and enjoyment of a person whose total annual income from all sources estimated in accordance with the provisions of the Income Tax Acts amounts to not less than one hundred and fifty pounds.

(3) In this section the expression "charity" means any body of persons or trust established for charitable purposes only.

Amendment of Rule 3 (*c*) of the rules applicable to Cases I. and II. of Schedule D.

**31.** The proviso to paragraph (*c*) of Rule 3 of the rules applicable to Cases I. and II. of Schedule D. in the Income Tax Act, 1918, shall have effect as though the words "shall not, unless in any particular case the "Commissioners are of opinion that, having regard to "all the circumstances, some greater sum ought to be "deducted, exceed two-thirds," were therein substituted for the words "shall not exceed two-thirds."

Exemption of superannuation funds from income tax.

**32.**—(1) Subject to the provisions of this section and to any regulations made thereunder, exemption from income tax shall be allowed in respect of income derived from investments or deposits of a superannuation fund, and, subject as aforesaid, any sum paid by an employer or employed person by way of contribution towards a superannuation fund shall, in computing profits or gains for the purpose of an assessment to income tax under Case I. or Case II. of Schedule D. or under Schedule E., be allowed to be deducted as an expense incurred in the year in which the sum is paid:

Provided that—

(*a*) no allowance shall be made under the foregoing provision in respect of any contribution by an employed person which is not an ordinary annual contribution, and, where a contribution by an employer is not an ordinary annual contribution, it shall, for the purpose of the foregoing provision, be treated as the Commissioners may direct, either as an expense incurred in the year in which the sum is paid or as an expense to be spread over such period of years as the Commissioners think proper; and

(*b*) no allowance shall be made under this section in respect of any payments in respect of which relief can be given under section thirty-two of the Income Tax Act, 1918.

(2) Income tax chargeable in respect of an annuity paid out of a superannuation fund to a person residing in the United Kingdom shall, if the Commissioners so direct, be assessed and charged on the annuitant under Case VI. of Schedule D. instead of being deducted and accounted for under Rule 21 of the General Rules, and tax shall be computed on the full amount of the annuity arising in the year of assessment.

(3) For the purposes of this section, the expression "superannuation fund" means, unless the context otherwise requires, a fund which is approved for those purposes by the Commissioners, and, subject as hereinafter provided, the Commissioners shall not approve any fund unless it is shown to their satisfaction that—

(*a*) the fund is a fund bonâ fide established under irrevocable trusts in connection with some trade or undertaking carried on in the United Kingdom by a person residing therein;

(*b*) the fund has for its sole purpose the provision of annuities for persons employed in the trade or undertaking either on retirement at a specified age or on becoming incapacitated at some earlier age;

(*c*) the employer in the trade or undertaking is a contributor to the fund;

(*d*) the fund is recognised by the employer and employed persons in the trade or undertaking:

Provided that the Commissioners may, if they think fit, and subject to such conditions, if any, as they think proper to attach to the approval, approve a fund, or any part of a fund, as a superannuation fund for the purposes of this section—

(i) notwithstanding that the rules of the fund provide for the return in certain contingencies of contributions paid to the fund; or

(ii) if the main purpose of the fund is the provision of such annuities as aforesaid, notwithstanding that such provision is not its sole purpose; or

(iii) notwithstanding that the trade or undertaking in connection with which the fund is established is carried on only partly in the United Kingdom and by a person not residing therein.

(4) The Commissioners may make regulations generally for the purpose of carrying this section into effect and, in particular, without prejudice to the generality of the foregoing provision, may by such regulations—

(*a*) provide for the charging of and accounting for tax in respect of contributions (including interest) repaid to a contributor to a superannuation fund and on lump sums paid in commutation of or in lieu of annuities payable out of a superannuation fund as if any sums so repaid or paid were income of the year in which they are repaid or paid;

(*b*) require the trustees or other persons having the management of a superannuation fund, or an employer whose employees contribute to a superannuation fund, to deliver to the Commissioners such information and particulars as the Commissioners may reasonably require for the purposes of this section;

(*c*) prescribe the manner in which claims for relief under this section are to be made and approved, and in which applications for the approval of a superannuation fund are to be made;

(*d*) provide for the withdrawal of approval in the case of a fund which ceases to satisfy the requirements of this section;

(*e*) provide for determining what contributions to a superannuation fund are to be treated as ordinary annual contributions for the purposes of this section.

(5) Where at the commencement of this Act there is in force any arrangement between the Commissioners and the persons having the management of a superannuation fund by which provision is made for allowing any such deductions for the purpose of income tax as may be allowed for that purpose under this section, the arrangement shall, if the fund is approved as a superannuation fund for the purposes of this section for the year 1921–22, be deemed to have ceased to operate as from the sixth day of April, nineteen hundred and twenty-one, and, if the fund is not so approved, shall cease to operate as from the sixth day of April, nineteen hundred and twenty-two.

(6) In this section the expression "the Commissioners" means the Commissioners of Inland Revenue.

Exemption from income tax for funds of special and supplementary schemes under 10 & 11 Geo. 5. c. 30.

**33.**—(1) All income receivable from any source whatsoever for the purposes of a special scheme or a supplementary scheme established under the Unemployment Insurance Act, 1920, by the body charged with the administration of the scheme shall be exempt from income tax.

(2) Any claim for exemption under this section shall be made and any such claim shall be allowed in the same manner as in the case of the exemption allowed under subsection (5) of section thirty-nine of the Income Tax Act, 1918.

Exemption of sewers from income tax.

**34.**—(1) Income tax shall not be charged in respect of a sewer vested in a local authority in the United Kingdom:

Provided that the foregoing exemption shall not extend to any rent payable or other annual payment to be made by the local authority in respect of the sewer.

(2) In this section—

The expression "sewer" means a sewer maintained by a local authority in pursuance of their statutory duties in relation to the public health;

The expression "local authority" means a public body having power under any enactment relating to the public health to construct and maintain sewers.

## Part III.

## Excess Profits Duty.

Termination of excess profits duty. 5 & 6 Geo. 5. c. 89.

**35.**—(1) Excess profits duty under the Finance (No. 2) Act, 1915 (in this Part of this Act referred to as "the principal Act"), shall be charged, levied, and paid in respect of the excess profits of every trade or business, and repayment and set-off of duty shall be allowed, for the period which is the final accounting period of that trade or business within the meaning of this section, in all respects as if that period were an accounting period within the meaning of Part III. of the principal Act, and no period subsequent to the final accounting period shall be deemed to be, or to be part of, an accounting period within the meaning of the said Part III.

(2) For the purpose of the provisions of this Part of this Act, the final accounting period of a trade or business shall be taken to be the period which commences at the end of the accounting period of that trade or business last preceding the fixed date and ends on the fixed date, and the expression "the fixed date" means in the case of a trade or business which was commenced on or before the fourth day of August, nineteen hundred and fourteen, whether there has or has not been a change of ownership, the date of the expiration of eighty-four months from the date of the commencement of the first accounting period of that trade or business, and in the

case of any other trade or business the thirty-first day of December, nineteen hundred and twenty:

Provided that in the case of a trade or business formed by the amalgamation, after the fourth day of August, nineteen hundred and fourteen, of two or more trades or businesses, the final accounting period of the amalgamated trade or business shall be the period ending on the mean date to be ascertained in accordance with the provisions of the First Schedule to this Act.

(3) Where any trade or business is, after the termination of its final accounting period, amalgamated with any other trade or business, the provisions of the principal Act shall have effect as if the amalgamation had never taken place, and the profits or losses of that other trade or business shall be separately computed.

(4) Where any period, which would if this Act had not passed have been an accounting period of any trade or business within the meaning of the principal Act, commences before and ends after the termination of the final accounting period of that trade or business, the total excess profits, and any deficiencies or losses, shall be ascertained as if the first-mentioned period were such an accounting period as aforesaid and shall be apportioned between the time ending on and the time subsequent to the date of the termination of the final accounting period in proportion to the number of months or fractions of months before and after that date respectively.

(5) If, before the passing of this Act, any duty has been paid by, or repaid or allowed by way of set-off to, any person in respect of the excess profits or the deficiencies or losses, as the case may be, of any period, (being a period which if this Act had not passed would have been an accounting period,) comprising any period subsequent to the termination of the final accounting period, those excess profits, deficiencies, or losses shall be apportioned in accordance with the foregoing provisions of this section, and a proportionate part of the amount of duty paid, or repaid or allowed, as the case may be, shall be repaid or allowed by, or repaid to, the Commissioners of Inland Revenue, and any amount so repayable to the Commissioners shall be recoverable as a debt due to the Crown from the person to whom the repayment or allowance was made.

(6) For the purposes of this section, trades or businesses carried on by companies shall not be deemed to have been amalgamated by reason that the profits of the companies are assessed together by virtue of the provisions of rule 6 of Part I. of the Fourth Schedule to the principal Act and the trade or business of each such company shall be treated as a separate trade or business.

(7) The Commissioners of Inland Revenue may make such assessments as may be necessary to give effect to the provisions of this section.

Adjustment of excess profits duty over aggregate period of charge.

**36.**—(1) Where a person proves to the satisfaction of the Commissioners of Inland Revenue that the aggregate amount paid by way of excess profits duty in respect of his trade or business for all the accounting periods of that trade or business, less any amounts repaid in respect of that trade or business for those accounting periods, exceeds the aggregate amount for those periods of the excess profits on which duty was chargeable, less any deficiencies or losses in respect of which the person carrying on the trade or business was entitled to a repayment or set-off of duty, he shall, subject to the provisions of this section, be entitled to repayment of the amount by which the said aggregate amount of duty so paid, less any amount repaid as aforesaid, exceeds the said aggregate amount of excess profits, less any such deficiencies or losses as aforesaid.

(2) Where there has been a change in the ownership of a trade or business, the foregoing provision of this section shall have effect as though the respective periods during which the several owners carried on the trade or business were substituted for the aggregate of the accounting periods.

(3) For the purposes of this section, a sum paid in respect of munitions Exchequer payments shall be deemed to be a payment by way of excess profits duty, but, where the amount payable by way of munitions Exchequer payments exceeds the aggregate amount of excess profits duty at the appropriate rates on the excess profits for the whole period during which the trade or business was chargeable with munitions Exchequer payments, the amount of the munitions Exchequer payments shall, for

the purposes aforesaid, be deemed to be reduced by the amount of the excess.

In calculating the excess profits of the period aforesaid, regard shall be had to deficiencies arising in that period but not to any other deficiencies.

Amendment of s. 40 (3) of 5 & 6 Geo. 5. c. 89.

**37.**—(1) For the purpose of determining the modifications to be allowed under subsection (3) of section forty of the principal Act by reason of exceptional depreciation or obsolescence of assets employed in a trade or business due to the present war or the necessity in connection with the present war of providing plant which would not be wanted for the purposes of the trade or business after the termination of the present war, regard shall be had to the conditions prevailing on the thirty-first day of December, nineteen hundred and twenty.

(2) Where any modification has been provisionally made under the said subsection (3) and it is found on the final determination of the modification that the amount provisionally allowed is too small or too great, the deficiency or excess, as the case may be, shall be taken into account in computing the excess profits or the deficiencies or losses, as the case may be, for the final accounting period.

Valuation of stock.

**38.**—(1) Any person who is at the end of the final accounting period the owner of a trade or business subject to excess profits duty shall be entitled to claim in respect of that duty relief under Part I. of the Second Schedule to this Act and also relief either under Part II. or under Part III. of that Schedule.

(2) No claim for relief under this section shall be allowed unless notice in writing of intention to claim the same, specifying under which Parts of the said Schedule the claim is to be made, is given to the Commissioners of Inland Revenue before the thirty-first day of March, nineteen hundred and twenty-two.

(3) The provisions of Part IV. of the Second Schedule to this Act shall apply to any claim made under this section.

Power to make assessments and repayments.

**39.** Notwithstanding anything to the contrary in the principal Act, repayments and adjustments of excess profits duty may be obtained and made, and assessments

and additional assessments to excess profits duty in respect of any accounting period may be made at any time, as the case may require, unless and until Parliament otherwise determines.

Determination of excess mineral rights duty.

**40.** Excess mineral rights duty shall not be charged in respect of any accounting year ending after the fourth day of August, nineteen hundred and twenty-one.

Repeal of s. 55 of 6 & 7 Geo. 5. c. 24.

**41.** Section fifty-five of the Finance Act, 1916 (which provides that certain matters shall be referred to a referee or board of referees appointed or designated by the Minister of Munitions instead of to a board of referees appointed for the purposes of the principal Act), shall cease to have effect.

Interpretation and saving.

**42.**—(1) In this Part of this Act references to the principal Act or to any provision of that Act shall be construed as references to that Act or those provisions as amended and extended by any subsequent enactment (including this Part of this Act), and the expression "accounting period" does not include any accounting period ending before the fifth day of August, nineteen hundred and fourteen.

10 & 11 Geo. 5. c. 4. 11 Geo. 5. c. 6.

(2) Nothing in this Part of this Act shall affect the operation of the Coal Mines (Emergency) Acts, 1920 and 1921, or of any agreements made between the Food Controller and the owners of controlled flour mills, and those Acts and any such agreements shall have effect as if this Act had not passed.

## Part IV.

## Death Duties.

Extension of s. 14 of 63 & 64 Vict. c. 7 to persons killed during disorders in Ireland.

**43.**—(1) The provisions of section fourteen of the Finance Act, 1900, under which, as amended by subsequent enactments, relief is given in respect of the death duties payable on property passing on the death of certain persons killed in the present war, shall, subject to the provisions of this section, have effect in the case of persons, being persons to whom this section applies, who die from causes arising directly out of the present state of disorder in Ireland as they have effect in the case of the persons killed as aforesaid.

(2) The persons to whom this section applies are the members of any of His Majesty's Forces, judges, magistrates, members of any police force in Ireland (including special constables), and members of His Majesty's Civil Service, serving in Ireland.

(3) The Treasury shall, for the purposes of this section, act in the case of persons who are not members of His Majesty's Forces on the recommendation of the Lord Lieutenant of Ireland.

(4) This section shall apply in the case of any persons dying from any such causes as aforesaid arising at any time after the thirty-first day of December, nineteen hundred and eighteen, and before such date as His Majesty may by Order in Council fix.

Objects of national, scientific, historic, and artistic interest to be exempt from death duties if sold to national or public institutions. 59 & 60 Vict. c. 28. 10 Edw. 7. c. 8.

**44.** Notwithstanding anything in section twenty of the Finance Act, 1896 (which, as amended by section sixty-three of the Finance (1909–10) Act, 1910, gives exemption from estate duty, legacy duty, and succession duty to objects of national, scientific, historic, and artistic interest so long as they remain unsold), or in the said section sixty-three, duty shall not become chargeable on the sale, after the passing of this Act, of any property in respect of which exemption has been allowed under those sections, if the sale is to the National Gallery, British Museum, or other similar national institution, any university, any county council, any municipal corporation, in the United Kingdom, or the National Art Collections Fund.

## PART V.

## NATIONAL DEBT.

Sinking fund with respect to Conversion Loan.

**45.**—(1) For the purpose of establishing a sinking fund in connection with the three and one-half per cent. Conversion Loan redeemable in nineteen hundred and sixty-one, the Treasury shall issue out of the Consolidated Fund or the growing produce thereof as soon as may be after the close of every half-year (commencing with the half-year ending on the first day of April, nineteen hundred and twenty-two) during which the average daily price of the loan, as certified by the Bank

of England, has been below ninety pounds per cent., a sum equal to not less than one per cent. of the amount of the loan outstanding at the close of that half-year.

(2) Sums issued out of the Consolidated Fund under this section shall be applied during the half-year in which they are issued in the purchase for cancellation of any securities forming part of the said loan.

(3) Any securities purchased under this section shall be cancelled in such manner as the Treasury think fit.

Continuance during current financial year of s. 58 of 10 & 11 Geo. 5. c. 18. 38 & 39 Vict. c. 45.

**46.** Section fifty-eight of the Finance Act, 1920 (which provides that amounts applied out of the Revenue in paying off debt are to be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875), shall apply as respects the current financial year as it applied as respects the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one.

Amendment of s. 60 of 6 & 7 Geo. 5. c. 24.

**47.** The powers of the Treasury under section sixty of the Finance Act, 1916 (which empowers the Treasury to carry out arrangements for the exchange of securities issued under any War Loan Act) may be exercised at any time unless and until Parliament otherwise determines, and the said section shall have effect as if it formed part of section one of the War Loan Act, 1919, and the provisions of the said section one shall apply accordingly.

9& 10Geo. 5. c. 37.

Transfer of registered bonds by deed. 7 & 8 Geo. 5. c. 31. 1 & 2 Geo. 5. c. 48.

**48.** For the purpose of removing doubts, it is hereby declared that by virtue of subsection (4) of section thirty-seven of the Finance Act, 1917, the provisions of section seventeen of the Finance Act, 1911 (which authorises the transfer by deed of any stock for the time being transferable in the books of the Bank), apply to registered bonds issued under the War Loan Acts, 1914 to 1919.

Amendment of Part VII. of 33 & 34 Vict. c. 71.

**49.**—(1) Section fifty-four of the National Debt Act, 1870 (which provides that dividends accruing on Government stock transferred to the National Debt Commissioners under Part VII. of that Act shall be invested by them in the purchase of other like stock), shall have effect as if the words "in the purchase of such Government stock as the Treasury may from time to time direct" were therein substituted for the words "in the purchase of other like stock."

(2) Section sixty-one of the National Debt Act, 1870 (which makes provision for the payment of unclaimed dividends to the National Debt Commissioners), shall have effect as though for the first paragraph thereof there were substituted the following paragraph :—

"Where any dividend accrued due on any sum of stock is not claimed within such period as the Treasury may prescribe, not being less than twelve months or more than five years from the date on which the dividend accrued due, the dividend so unclaimed shall be paid to the National Debt Commissioners."

Provisions with respect to redemption of Government stock.

**50.** The provisions set out in the Third Schedule to this Act shall have effect for the purpose of carrying out, and in connection with, the redemption of any Government stock.

Interpretation.

**51.** In this Part of this Act, unless the context otherwise requires,—

The expression "Government stock" means any stock or bonds for the time being transferable in the books of the Bank under the National Debt Act, 1870, or by deed under the Finance Act, 1911, and any stock or bonds issued under the War Loan Acts, 1914 to 1919, but not so transferable, and the expression "stockholder" shall be construed accordingly:

The expression "the Bank" means the Bank of England or the Bank of Ireland, as the case may require.

## PART VI.

## GENERAL.

Civil Contingencies Fund.

**52.**—(1) Whereas advances have been made out of the Civil Contingencies Fund to the body of persons and to the Government departments specified in the first column of the Fourth Schedule to this Act for the purpose of the several operations specified in the second column of that Schedule, and the amounts specified in the third column of the said Schedule are now outstanding in respect of those advances respectively, and it is expedient that the said amounts so outstanding should cease to be repayable to, and should not be reckoned as assets of, the said Fund:

And whereas it is expedient that the capital of the Civil Contingencies Fund should be increased permanently from three hundred thousand pounds to one million five hundred thousand pounds:

Now, therefore—

(1) The said amounts so outstanding as aforesaid shall be written off from the assets of the said Fund, and the amount to be repaid to the Exchequer under section one of the Civil Contingencies Fund Act, 1919, as amended by section sixty of the Finance Act, 1920, shall be reduced by an amount equal to the sum of the said amounts to be written off as aforesaid; and 9 & 10 Geo. 5. c. 6.

(2) The amount to be so repaid to the Exchequer as aforesaid shall be further reduced by the sum of one million two hundred thousand pounds.

Interest on certain loans not to be treated as profits for purposes of corporation profits tax.

**53.** The interest receivable by any company in respect of any securities forming part of the three and one-half per cent. Conversion Loan redeemable in nineteen hundred and sixty-one, or in respect of the five and one-half per cent. Treasury bonds repayable on the first day of April, nineteen hundred and twenty-nine, or in respect of any securities forming part of any loan which may be issued at any time after the passing of this Act as respects which the Treasury on the issue thereof direct that this section shall apply, shall not be included in the profits of the company for the purpose of corporation profits tax under Part V. of the Finance Act, 1920, and, where the profits are profits or surplus arising from the trading with its own members of a society registered under the Industrial and Provident Societies Acts, no such corporation profits tax shall be charged.

Amendment of s. 56 (1) of 10 & 11 Geo. 5. c. 18.

**54.** Subsection (1) of section fifty-six of the Finance Act, 1920 (which makes provision for the assessment and payment of corporation profits tax), shall have effect as though there were inserted therein after the words "and shall" the words "unless the Commissioners otherwise direct."

Extension of s. 61 of 10 & 11 Geo. 5. c. 18

**55.** Section sixty-one of the Finance Act, 1920 (which makes provision for cases where documents relating

to corporation profits tax.

to certain taxes have been lost, destroyed, or damaged), shall apply to corporation profits tax and to documents relating to corporation profits tax as it applies to excess profits duty and to documents relating to excess profits duty.

Amendment of 10 & 11 Geo. 5. c. 18. s. 52 (2). 56 & 57 Vict. c. 39.

**56.** Section fifty-two, subsection (2), paragraph (ii), of the Finance Act, 1920, shall have effect as though the following words were added, namely: "including a "department of any society registered under the "Industrial and Provident Societies Act, 1893, organised "for providing house-building or house-purchase schemes "for its members."

Deduction for mortgage interest to be allowed in case of certain companies for purposes of corporation profits tax.

**57.**—(1) Where not less than one-half of the gross income of any company is derived from the rents or profits of lands or tenements in the United Kingdom then, notwithstanding anything in proviso (*b*) to subsection (2) of section fifty-three of the Finance Act, 1920, there shall, in determining the profits of the company for the purposes of corporation profits tax, be allowed a deduction in respect of the interest on any mortgages charged on those lands or tenements, but not including interest on any debentures charged on all the assets of the company.

(2) This section shall be deemed to have had effect as from the commencement of the Finance Act, 1920.

Temporary exemption from corporation profits tax of the profits derived from public utility companies.

**58.**—(1) Where a company owns a controlling interest in, and directs, or is entitled to direct, the management of any public utility company, any profits derived by that company from the public utility company at any time between the first day of January, nineteen hundred and twenty, and the thirty-first day of December, nineteen hundred and twenty-two, shall be, and shall be deemed always to have been, excluded from the profits chargeable with corporation profits tax under Part V. of the Finance Act, 1920.

(2) In this section the expression "public utility company" means such a company as is mentioned in paragraph (i) of the proviso to subsection (2) of section fifty-two of the Finance Act, 1920.

Amendment of s. 39 of 10 & 11 Geo. 5. c. 18.

**59.** Section thirty-nine of the Finance Act, 1920 (which increases the stamp duty on statements as to the capital of companies from five shillings to one pound for every one hundred pounds), shall have effect and be

deemed always to have had effect as though the following subsection were inserted at the end thereof:—

"(3) If it is proved to the satisfaction of the Commissioners of Inland Revenue, in the case of a company which was registered or otherwise incorporated, or of an increase of capital which was authorised, on or after the twentieth day of April, nineteen hundred and twenty, and before the fourth day of May, nineteen hundred and twenty, that the formation of the company or the increase of capital, as the case may be, had been definitely decided upon before the thirty-first day of January, nineteen hundred and twenty, and that the formation of the company or the authorisation of the increase was temporarily not proceeded with solely in order to comply with the request of His Majesty's Government that no public issue of capital should be made while the subscription lists for five and three-quarter per cent. Exchequer Bonds, 1925, were open, the stamp duty chargeable on the statement of the nominal share capital of the company, or of the amount of the increase so authorised, as the case may be, shall, instead of being charged at the rate imposed by this section, be charged at the rate in force before the passing of this Act."

Recovery of penalty under s. 44 of 54 & 55 Vict. c. 39.

**60.**—(1) Any fine incurred under section forty-four of the Stamp Act, 1891 (which imposes a penalty on unqualified persons preparing certain instruments), shall, instead of being recoverable in manner provided by section one hundred and twenty-one of that Act, be recoverable summarily.

(2) Proceedings for the recovery of any such fine as aforesaid shall not be deemed to be proceedings for the recovery of a fine incurred under an Act relating to Inland Revenue, and may, notwithstanding any provision in any Act prescribing the period within which summary proceedings may be brought, be brought at any time within the period of two years next after the commission of the offence, or the period of six months next after the first discovery thereof by the prosecutor, whichever period is the shorter.

Rate of stamp duty under 42 & 43 Vict. c. 6.

**61.**—(1) The stamp duty charged on local authorities by the District Auditors Act, 1879, as amended by any other Act, in respect of the audit of their accounts by district auditors, shall, instead of being calculated according to the scale contained in the First Schedule to that Act, be calculated according to a scale to be fixed from time to time by the Treasury, after consultation with the Minister of Health and with such associations of local authorities as appear to the Minister to be concerned, and the scale so fixed shall be such as to secure that the duties levied under the said Act shall be sufficient to meet the costs incurred in respect of the remuneration, including superannuation allowances, and the expenses, of district auditors.

(2) The Treasury may, on the application of any local authority and after consultation with the Minister of Health, direct that the stamp duty charged under the said Act shall, in the case of that local authority, instead of being an amount calculated according to the scale to be fixed under this section, be such an amount, not exceeding the amount chargeable under the scale, as the Treasury think fit having regard to the cost of the audit of the accounts of that authority.

Amendment of s. 6 of 8 Edw. 7. c. 16.

**62.** Subsection (3) of section six of the Finance Act, 1908, (which provides for the collection of duties on certain local taxation licences by county councils) shall have, and as from the first day of April, nineteen hundred and twenty-one, be deemed to have had effect as if the words "other than the duties on licences for carriages" were therein inserted after the word "applies," and as if the words "sixty thousand pounds" were therein substituted for the words "forty thousand pounds," and for the purpose of the distribution among county councils of the sum paid under the said subsection (3) for the year ending the thirty-first day of March, nineteen hundred and twenty-one, the duties on licences for motor-cars shall be deemed to have continued throughout that year to be licences to which the said section applies.

Provision for cases where documents relating to death duties have been

**63.**—(1) Where any document in the custody of the Commissioners relating to duty charged or chargeable in respect of any property has been lost or destroyed, or has been so defaced or damaged as to be illegible or otherwise useless, the Commissioners may require any person

appearing to them to be accountable or to have accounted for that duty, to furnish to them to the best of his ability such information, particulars and evidence, including evidence by affidavit, as they may require for replacing that document, and any person so appearing to be accountable shall be liable to discharge all claims in respect of that duty, unless he proves to the satisfaction of the Commissioners that those claims have already been discharged or that he is not accountable for the duty. lost, destroyed, or damaged.

(2) The Commissioners shall have all such powers for the purpose of enforcing any requirement made by them under this section as they had for the purpose of enforcing the delivery of the document which is to be replaced, and all statutory provisions in that behalf, including provisions as to penalties, shall apply accordingly with the necessary modifications.

(3) The Commissioners shall pay to any person complying with any requirement under this section his reasonable cost of so doing, and, if any question arises as to the amount so to be paid as costs, the question shall be referred to and determined by a taxing master of the High Court, or in Scotland by the auditor of the Court of Session.

(4) Where the Commissioners are required by any person to issue any document certifying that any duty has been paid or is not payable, or to make any allowance in respect of any duty paid, or to do any act or thing consequent on the payment of duty, they may, where the evidence of the payment of or of non-liability to duty has been destroyed, refuse, notwithstanding any enactment to the contrary, to comply with the requirement except on proof to their satisfaction that the duty has been paid or is not payable, or that the act or thing required to be done is in the circumstances reasonably necessary, as the case may be.

(5) Where the Commissioners declare that by reason of the loss, destruction, defacement, or damage of any document they are unable to certify that there is no claim for duty in respect of any property, a court may, in any proceedings relating to that property, notwithstanding any enactment to the contrary, dispose of that property or the proceeds of sale thereof without making provision for the payment of any duty chargeable in respect thereof:

Provided that nothing in the foregoing provision shall affect any right of the Commissioners as against any person accountable for any duty so chargeable, not being a purchaser for value without notice that there is a claim for duty in respect thereof.

(6) In this section, unless the context otherwise requires—

The expression "document" includes affidavit, account, and record;

The expression "Commissioners" means the Commissioners of Inland Revenue;

The expression "duty" means any death duty.

Amendment of law as to redemption of land tax.

**64.**—(1) The capital sum to be paid under section thirty-two of the Finance Act, 1896, by the owner of any land to the Commissioners of Inland Revenue for the purpose of the redemption of land tax charged on that land shall be a sum equal to twenty-five times, instead of thirty times, the sum assessed on that land, and the rate per annum of the interest to be paid under the said section on unpaid instalments of the capital sum shall be four per cent. instead of three per cent.:

Provided that nothing in this section shall affect the terms of any contract for the redemption of land tax entered into under the said section before the commencement of this Act.

(2) In subsection (3) of the said section the words "one twenty-fifth part of such surplus" shall be substituted for "one-thirtieth part of such surplus."

Construction, short title, and repeal.

**65.**—(1) Part I. of this Act, so far as it relates to duties of Customs, shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act, and, so far as it relates to duties of Excise, shall be construed together with the Acts which relate to the duties of Excise and the management of those duties.

Part II. of this Act shall be construed together with the Income Tax Acts.

Part III. of this Act shall be construed together with Part III. of the Finance (No. 2) Act, 1915.

Part IV. of this Act shall be construed together with the Finance Act, 1894.

(2) This Act may be cited as the Finance Act, 1921.

(3) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

# SCHEDULES.

## FIRST SCHEDULE.

Section 35.

### Ascertainment of Mean Date in the case of Amalgamated Trades or Businesses.

1 In this Schedule the expression "separate date" means, in relation to any of the constituent trades or businesses comprised in the amalgamated trade or business, the date on which the final accounting period of that trade or business would have ended if no amalgamation had taken place.

2. The mean date shall be a date later than the earliest of the separate dates of the constituent trades or businesses by such number of months as is determined, in accordance with the provisions hereinafter contained, to be the appropriate number.

3. For the purpose of determining the appropriate number of months, there shall be ascertained—

(*a*) the aggregate amount of the several sums representing the pre-war standard of profits of each of the constituent trades or businesses for the last accounting period of that trade or business prior to amalgamation;

(*b*) the aggregate amount of the several sums produced by multiplying the pre-war standard of profits of each of the constituent trades or businesses for the last accounting period aforesaid by a number equal to the number of months between the earliest of the separate dates and the separate date of that trade or business;

and the appropriate number of months shall be the number produced by dividing the second aggregate so to be ascertained by the first aggregate so to be ascertained.

4. For the purposes of this Schedule—

(*a*) any part of a month exceeding one-half of the month shall be treated as a complete month, and no account shall be taken of any less part of a month; and

(*b*) the amount of the pre-war standard of profits shall, whatever the length of the last accounting period, be taken to be the amount of that standard as in

respect of a full year and not an amount reduced under paragraph 2 of Part II. of the Fourth Schedule to the principal Act.

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Section 38.

## SECOND SCHEDULE.

### RELIEF FROM EXCESS PROFITS DUTY IN RESPECT OF TRADING STOCKS.

### PART I.

1. If any person being the owner of any trade or business at the end of the final accounting period proves that the amount at which the whole of the trading stock in hand at the end of that period is brought into account for the purposes of duty exceeds the value as on the thirty-first day of August, nineteen hundred and twenty-one, of an equal quantity of similar stock, the amount of that excess shall be allowed as a deduction in computing the excess profits of the final accounting period or as an addition to any deficiency for that period, as the case may be.

2. In any case where the accounts of the trade or business have not been made up at the end of the final accounting period, the foregoing provisions of this Part of this Schedule shall have effect as though a reference to the trading stock in hand at the latest date at which the accounts of the trade or business were made up before the end of the final accounting period were substituted for the reference to the trading stock in hand at the end of the final accounting period, and as though the amount to be allowed as a deduction or addition as aforesaid were reduced by a proportionate amount to be computed in accordance with the following provisions of this paragraph.

For the purposes of computing the proportionate amount aforesaid, there shall be ascertained the sum by which the amount at which the whole of the trading stock in hand at the latest date at which the accounts of the trade or business were made up before the end of the final accounting period (in this paragraph referred to as "the first date") was brought into account for the purposes of the duty exceeds the value as on the earliest date at which the accounts of the trade or business are made up after the end of the final accounting period (in this paragraph referred to as "the second date") of an equal quantity of similar stock, and the proportionate amount shall be taken to be an amount which bears the same proportion to the sum ascertained as aforesaid as the length of the period between the first date and the end of the final accounting period bears

to the length of the period between the first date and the second date.

3. For the purpose of the foregoing provisions of this Part of this Schedule, there shall be excluded from stock in hand any stock of which a valuation at a constant price has been accepted by the Commissioners of Inland Revenue for purposes of duty.

4. The amount to be allowed as a deduction or addition under the foregoing provisions of this Part of this Schedule shall not in any case exceed the amount by which the profits of the trade or business for the period from the end of the final accounting period to the thirty-first day of August, nineteen hundred and twenty-one, fall short of the percentage standard of that trade or business, or, if there has not been one pre-war trade year, fall short of the pre-war standard of profits based on the statutory percentage on the average amount of capital employed in the trade or business during the first accounting period, and, if the profits aforesaid are not less than such standard, the provisions of this Part of this Schedule shall not apply.

5.—(1) If any person being the owner of a trade or business at the end of the final accounting period (hereinafter referred to as "the trader") proves—

(*a*) that during the period between the end of the final accounting period and the thirty-first day of August, nineteen hundred and twenty-one, inclusive (hereinafter referred to as "the aforesaid period"), trading stock has been delivered to him for the purposes of the trade or business under written contracts which were entered into in conformity with the general course of his business and were binding on him at the end of the final accounting period and provided for the purchase by him at a specified price of the stock so delivered (hereinafter referred to as "forward stock"); and

(*b*) that the purchase price of the forward stock was not less than one-third of the amount at which the whole of the trading stock in hand at the end of the final accounting period, or, where the accounts of the trade or business have not been made up at the end of the final accounting period, at the latest date on which the accounts of the trade or business were made up before the end of the final accounting period, was brought into account for the purposes of duty; and

(*c*) that he has sustained a deficit within the meaning of the following provisions of this Part of this Schedule;

the amount of that deficit shall be allowed as a deduction in computing the excess profits of the final accounting period or as an addition to any deficiency for that period, as the case may be:

Provided that the quantity of forward stock to be taken into account for the purposes of this paragraph shall not exceed the yearly average quantity of similar stock which was delivered under contracts for future delivery during the three years terminating either at the end of the final accounting period or at the end of the last pre-war trade year, as the trader may elect, or, if the business was not in existence for three years before the end of the final accounting period, such quantity of stock as, having regard to the extent and character of the trade or business, is reasonable.

(2) The amount of the deficit to be allowed as aforesaid shall be computed as follows:—

(*a*) If any quantities of stock similar to the forward stock have, during the aforesaid period, been delivered by the trader to purchasers, in pursuance of written contracts providing for the sale of stock at specified prices and binding on the trader at the end of the final accounting period, or if any quantities of such similar stock have been used by the trader in the manufacture of stock which has been delivered during the aforesaid period to purchasers in pursuance of such contracts, there shall be ascertained the aggregate amount of the values, at the date of the said contracts or of the earlier of those contracts, of those quantities of similar stock, up to an amount not exceeding the quantity of the forward stock;

(*b*) If the quantity of the forward stock exceeds the said quantities of similar stock, there shall be ascertained the value at the thirty-first day of August, nineteen hundred and twenty-one, of an amount of similar stock equal to the excess;

(*c*) There shall be ascertained the amount by which the purchase price of the forward stock exceeds the aggregate of the amounts ascertained under paragraphs (*a*) and (*b*);

(*d*) The amount of the deficit to be allowed shall be the amount by which one-half of the amount ascertained under paragraph (*c*) exceeds an amount equal to one-third of the retainable excess profits:

Provided that the amount to be allowed in the case of any trade or business as a deficit under this paragraph shall not

be such an amount as will, when added to any amount to be allowed as a deduction or addition under the first four paragraphs of this Part of this Schedule, exceed the amount of the trading loss sustained in the trade or business during the aforesaid period.

(3) For the purposes of this paragraph—

(*a*) the expression "retainable excess profits" means the amount by which the aggregate amount of the excess profits on which the trader was chargeable to duty in respect of the trade or business, less any deficiencies or losses in respect of which he is entitled to repayment or set-off of duty, exceeds the aggregate amount of the duty paid and the Munitions Exchequer payments made by him in respect of those profits, less any amounts repaid to him, and in ascertaining the retainable excess profits any relief granted under this Schedule shall not be taken into account:

(*b*) the amount of the trading loss shall be ascertained on the basis on which the profits of a trade or business are ascertained for the purposes of duty, except that no adjustment shall be made under section forty-one of the principal Act in respect of increased or decreased capital, and no deduction shall be made in respect of interest paid to a proprietor or partner in the trade or business, or to a director of a company in which the directors hold the controlling interest.

(4) Nothing in the provisions of this Part of this Schedule shall be taken to entitle a person, otherwise than as is expressly provided by those provisions, to claim that a fall in the value of trading stock which had not come into his possession until after the expiration of any period is to be treated in computing profits or losses as a loss arising in that period.

6. No claim under this Part of this Schedule shall be allowed unless the accounts of the trade or business are made up to the thirty-first day of August, nineteen hundred and twenty-one.

7. Where a trade or business has, after the end of the final accounting period and before the thirty-first day of August, nineteen hundred and twenty-one, ceased or changed ownership, this Part of this Schedule shall apply as if the date of the cessation or change of ownership were substituted for the thirty-first day of August, nineteen hundred and twenty-one.

## PART II.

1. If any person who is at the end of the final accounting period the owner of any trade or business proves that he has sustained a loss on the sale at any time during the period between the first day of September, nineteen hundred and twenty-one, and the thirty-first day of August, nineteen hundred and twenty-three, both inclusive (in this Part of this Schedule referred to as "the sales period"), of the whole of the trading stock in hand on the thirty-first day of August, nineteen hundred and twenty-one, the amount of the loss shall be allowed as a deduction in computing the excess profits of the final accounting period or as an addition to any deficiency for that period, as the case may be:

Provided that, for the purpose of the foregoing provision, there shall be excluded from stock in hand any stock of which a valuation at a constant price has been accepted by the Commissioners of Inland Revenue for the purposes of duty.

2. For the purposes of this Part of this Schedule, the amount of the loss on sales of stock shall be computed by deducting from the cost of the stock, or, if the value of the stock as on the thirty-first day of August, nineteen hundred and twenty-one, is less than its cost, from that value, a sum computed in accordance with the following provisions of this Part of this Schedule (in this Part of this Schedule referred to as "the realised sum").

3. Where the quantity of any particular class of trading stock which is in hand on the thirty-first day of August, nineteen hundred and twenty-one, is not greater than the quantity of the same class of stock sold during the sales period, the realised sum shall be taken to be the sum realised on sales of stock up to the time at which the quantity of stock of that class sold first reaches the quantity of stock so in hand.

4. Where the quantity of any particular class of trading stock which is in hand on the thirty-first day of August, nineteen hundred and twenty-one, exceeds the quantity of the same class of trading stock sold during the sales period, the realised sum shall be taken to be the sum realised on the sales of stock of that class with the addition of an amount equal to the value as on the thirty-first day of August, nineteen hundred and twenty-three, of a quantity of stock of that class equal to the quantity by which the stock in hand exceeds the quantity of stock of the same class sold.

5. For the purposes of this Part of this Schedule, trading stock sold during the sales period shall not be deemed to be of

a different class from trading stock in hand on the thirty-first day of August, nineteen hundred and twenty-one, by reason only that the stock sold has passed through a further stage of manufacture :

Provided that—

(*a*) Where a particular class of trading stock in hand on the thirty-first day of August, nineteen hundred and twenty-one, consists of similar stock in different stages of manufacture and the quantity sold during the sales period is less than the quantity so in hand, the quantity sold shall be deemed to consist of that part of the stock which on the thirty-first day of August, nineteen hundred and twenty-one, was completely or most nearly completely manufactured ; and

(*b*) Where the stock sold has passed through a further process of manufacture than that undergone by the stock in hand on the thirty-first day of August, nineteen hundred and twenty-one, the realised sum shall, for purposes of this Part of this Schedule, be reduced by the cost of the material and labour employed in the further process of manufacture, and the loss to be allowed under paragraph 1 of this Part of this Schedule shall, instead of being the full amount ascertained in accordance with the provisions of paragraph 2 of this Part of this Schedule, be an amount which bears to that full amount the same proportion as the amount of the cost or value, as the case may be, mentioned in the said paragraph 2 bears to the amount of that cost or value increased by the cost of the material and labour aforesaid.

6. For the purposes of this Part of this Schedule where trading stock is sold during the sales period at a price less than its value at the time when the price is determined, the realised sum shall be taken to be the value at that time.

7. A claim under this Part of this Schedule shall not be allowed unless the stock of the trade or business is actually taken on the thirty-first day of August, nineteen hundred and twenty-one.

8. Where a trade or business has, during the sales period, ceased or changed ownership this Part of this Schedule shall apply as if the date of the cessation or change of ownership were substituted for the thirty-first day of August, nineteen hundred and twenty-three.

## PART III.

1. If any person who is at the end of the final accounting period the owner of any trade or business proves that the yearly average of the profits of the trade or business for the period between the first day of September, nineteen hundred and twenty-one, and the thirty-first day of August, nineteen hundred and twenty-five, both inclusive, is less than the amount of the percentage standard of the trade or business or, where there has not been one pre-war trade year, than the pre-war standard of profits based on the statutory percentage on the average amount of capital employed in the trade or business during the first accounting period, or that he has suffered a loss in respect of that period, and that the deficiency has arisen owing to the holding by him of trading stocks at falling prices, he shall be entitled to repayment of an amount equivalent to eighty per cent. of the total net deficiency for that period:

Provided that the amount repaid shall not exceed forty per cent. of one-half of the net excess profits on which duty was paid by that person in respect of the trade or business for the two years to the end of the final accounting period, and shall not exceed the aggregate amount of the duty paid by him in respect of the trade or business less the amount of any repayment made to him in respect thereof.

In computing the net excess profits for the two years aforesaid, a deduction shall be made in respect of any deficiency in the profits for any part of that period in respect of which the person aforesaid was entitled to a repayment or set-off of excess profits duty under subsection (3) of section thirty-eight of the principal Act.

2. Where the trade or business has, at any time after the thirty-first day of August, nineteen hundred and twenty-one, and before the thirty-first day of August, nineteen hundred and twenty-five, ceased or changed ownership any relief under this Part of this Schedule shall be computed as if the date of the cessation or change of ownership were substituted for the thirty-first day of August, nineteen hundred and twenty-five, in paragraph 1 of this Part of this Schedule, and as if in the proviso to that paragraph there were substituted for forty a number bearing the same proportion to forty as the length of the period from the thirty-first day of August, nineteen hundred and twenty-one, to the date of cessation or change of ownership bears to four years.

3. No relief shall be given under this Part of this Schedule to the owner of any trade or business in respect of which the Commissioners of Inland Revenue have accepted for purposes of duty a valuation of the whole or part of the trading stock at a constant price.

## Part IV.

1. The profits of a trade or business for any period, and the pre-war standard of profits, whether a percentage standard or a pre-war standard of profits based on the statutory percentage on the average amount of capital employed in the trade or business during the first accounting period, shall, for the purposes of this Schedule, be computed on the basis prescribed by Part III. of the principal Act, as if such first-mentioned period were an accounting period, and, where the period for which the profits of a trade or business fall to be ascertained is a period less than a year, the amount of the pre-war standard of profits shall be proportionately reduced :

Provided that, where any period which would, if the section of this Act providing for the termination of excess profits duty had not passed, have been an accounting period of any trade or business within the meaning of the principal Act commences before and ends after the termination of the final accounting period of that trade or business, the profits of the first-mentioned period shall be computed on the basis prescribed by Part III. of the principal Act as if that period were an accounting period, and shall be apportioned between the time ending on and the time subsequent to the date of the termination of the final accounting period in proportion to the number of months or fractions of months before and after that date respectively.

2. The Commissioners of Inland Revenue shall have the same power to require for the purposes of a claim under this Schedule the furnishing of returns of profits and other particulars as they have under Part III. of the principal Act, as if the period for which the returns and particulars are required were an accounting period.

3.—(1) Every person making a claim under this Schedule in relation to any trade or business shall, in support of the claim, and on being so required by the Commissioners of Inland Revenue by notice in writing, furnish to the Commissioners returns in writing containing such particulars with respect to the trading stock of the trade or business in hand at any material date, including particulars with respect to the cost price, sale price, or value of the stock at any material date, and with respect to any other matters relevant to the claim, as the Commissioners may require.

(2) Every return furnished in pursuance of this paragraph shall be signed by the person making the claim, or where the claim is made by a firm or by a company by one of the partners in the firm or by the secretary or some other responsible officer of the company, as the case may be, and shall, if the Commissioners so require, be certified by some person

being a member of an incorporated society of accountants, and shall be verified by the production of such evidence and otherwise as the Commissioners may direct.

4. The provisions of the second paragraph of subsection (2) of section forty-four of the principal Act (which impose a penalty on persons failing to comply with any requirements of the Commissioners under that section) shall apply to any requirements of the Commissioners under paragraphs 2 and 3 of this Part of this Schedule as they apply to requirements under that section.

5. Nothing in this Schedule shall derogate from the power of the Commissioners of Inland Revenue to make assessments and collect duty for any accounting period without reference to any notice which may be given that the owner of the trade or business intends to claim relief under any part of this Schedule.

6. Relief under this Schedule shall be given by way of repayment to the person who is at the end of the final accounting period the owner of the trade or business, except in cases where it can be set off against any duty which has been assessed on him for any accounting period and remains unpaid.

7. Any repayment under this Schedule shall, for purposes of income tax, be treated as a repayment of duty, and any set-off under this Schedule shall, for those purposes, be treated as a repayment of duty made at the date when the amount of the set-off is ascertained.

8. Relief granted under this Schedule shall not be taken into account for purposes of the section of this Act relating to the adjustment of duty over the aggregate period of charge.

9. Subsection (5) of section forty-five of the principal Act shall apply to a determination of the Commissioners of Inland Revenue under this Schedule as it applies to the amount of an assessment of duty.

10. For the purposes of this Schedule, a trade or business shall not be deemed to have changed ownership unless the Commissioners of Inland Revenue are satisfied that the change was made bonâ fide and was not an artificial or fictitious transaction.

11. In this Schedule the expression "duty" means excess profits duty.

## THIRD SCHEDULE.

Section 50.

### Provisions for carrying out Redemption of Government Stock.

1. Subject to any express provision to the contrary and subject as hereinafter provided, all principal moneys which become payable on the redemption of any Government stock shall be, and be deemed always to have been, payable, in the case of Government stock standing to the credit of any person in the stock register of a trustee savings bank, at that bank, in the case of Government stock inscribed or registered in the Post Office Register, at the General Post Office, and in the case of stock inscribed or registered in the books of the Bank, at the Bank:

Provided that—

(*a*) a payment to be made under the foregoing provision to any person at a trustee savings bank shall be made by crediting the amount of the payment to the account of that person at that bank; and

(*b*) if in the case of any such principal moneys the stockholder makes to the Bank or the Postmaster-General, as the case may be, a request in writing in the approved form that payment thereof may be made by warrant sent by post, and gives an address in the British Isles to which the letter containing the warrant is to be sent, payment thereof may be made by warrant sent by post, and in that case the posting of the letter containing the warrant to the address so given shall, as regards the liability of the Bank or the Postmaster-General, be equivalent to the delivery of the warrant to the stockholder.

2. The Treasury may make regulations for authorising any principal moneys which become payable on the redemption of any Government stock standing in the name of any stockholder, including a joint stockholder, who is of unsound mind or an infant or otherwise under disability, to be received by a committee, guardian or other person on behalf of that stockholder, and for authorising any such person to give directions on behalf of any such stockholder with respect to the re-investment of any moneys so becoming payable.

3. A power of attorney authorising the sale of any Government stock shall authorise the receipt of any money payable on the redemption of the stock.

4. A power of attorney given exclusively for the purpose of authorising the receipt of money payable on the redemption of Government stock shall be exempt from stamp duty.

5. A warrant given by the Bank for the payment of the redemption money for Government stock shall be deemed to be a cheque within the meaning of the Bills of Exchange Act, 1882, and shall be exempt from stamp duty.

45 & 46 Vict. c. 61.

6. Where any principal moneys which become payable on the redemption of any Government stock are not claimed by the stockholder within a period of one year from the date of redemption, the moneys so unclaimed shall be forthwith paid to the National Debt Commissioners, and when so paid shall be held and dealt with by the said Commissioners in like manner as dividends paid to them under section sixty-one of the National Debt Act, 1870.

33 & 34 Vict. c. 71.

7. In this Schedule—

The expression "express provision" means a provision set out in any prospectus relating to the issue of the stock in question or, in the case of bonds, set out on the bonds;

The expression "stockholder" in relation to stock inscribed or registered in the Post Office register means the person in whose name the stock stands in that register.

8. The provisions of this Schedule shall be a full and sufficient indemnity and discharge to the Bank and officers of the Bank, the Postmaster-General, and the trustees and officers of a trustee savings bank, for all things done by them respectively in pursuance of this Schedule.

Section 52.

## FOURTH SCHEDULE.

### ADVANCES OUT OF CIVIL CONTINGENCIES FUND.

| Body or Department to which Advance made. | Purpose for which Advance made. | Amount outstanding. |
|---|---|---|
| | | £ |
| Royal Commission on Sugar Supplies. | Purchase of sugar - | 21,650,000 |
| Board of Trade - - | Purchase of zinc concentrates and spelter. | 1,050,000 |
| Minister of Agriculture and Fisheries. | Flax production - - | 350,000 |
| | Total - - | 23,050,000 |

# FIFTH SCHEDULE.

Section 65.

## Enactments repealed.

| Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 39 & 40 Vict. c. 36. | The Customs Consolidation Act, 1876. | In section thirteen the words "except existing warehouses "of special security in respect "of which security by bond has "hitherto been dispensed with." |
| 43 & 44 Vict. c. 24. | The Spirits Act, 1880. | Subsection (6) of section one hundred and thirty-five. |
| 46 & 47 Vict. c. 34. | The Cheap Trains Act, 1883. | Section four, and in section five the words from the beginning of the section down to "but." |
| 52 & 53 Vict. c. 42. | The Revenue Act, 1889. | Section twenty-nine. |
| 6 & 7 Geo. 5. c. 24. | The Finance Act, 1916. | Section fifty-five, and the words "during the continuance of the "present war and a period of "six months thereafter" in section sixty. |
| 8 & 9 Geo. 5. c. 40. | The Income Tax Act, 1918. | Sections forty-three and forty-four. |
| 10 & 11 Geo. 5. c. 18. | The Finance Act, 1920. | In subsection (1) of section seven the words "Sparkling wine in "bottle, an additional duty, the "gallon - - 5*s.* 0*d.*", and the words from "and in the case of" to the end of that subsection; in subsection (2) of that section the words from "and as though" to the end of that subsection; subsection (3) of that section; sections nine and ten. |

# CHAPTER 33.

An Act to make further provision for the extension of the time for the construction of houses in Scotland for the purpose of obtaining grants under section one of the Housing (Additional Powers) Act, 1919, and to limit the aggregate amount of such grants in respect of houses in Scotland. [4th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

10 & 11 Geo. 5. c. 71.

**1.** Section two of the Housing (Scotland) Act, 1920, shall have effect as though for two years there were therein substituted the period following (that is to say) :—

(*a*) In the case of any house in respect of which a loan has been or is being made by the Board of Agriculture for Scotland under the Small Landholders (Scotland) Act, 1911, or assistance by way of loan or by way of sale at cost price has been or is being provided by the said Board under paragraph (*e*) of subsection (1) of section four or subsection (4) of section five of the Congested Districts (Scotland) Act, 1897, the period of three years and six months; and

1 & 2 Geo. 5. c. 49.

60 & 61 Vict. c. 53.

(*b*) In the case of any other house, the period of two years and six months.

Limit of aggregate amount of grants under s. 1 of 9 & 10 Geo. 5. c. 99.

**2.** The aggregate amount of the grants in respect of houses in Scotland made and to be made for the purposes of section one of the Housing (Additional Powers) Act, 1919, shall not exceed one million six hundred and fifty thousand pounds, and accordingly subsection (1) of section two of that Act shall be amended by the addition thereto of the following words: "and the aggregate amount of "the grants so to be made in respect of houses in Scot- "land shall not exceed one million six hundred and fifty "thousand pounds."

Citation and extent.

**3.**—(1) This Act may be cited as the Housing (Scotland) Act, 1921.

(2) The Housing (Scotland) Acts, 1890 to 1920, and this Act may be cited together as the Housing (Scotland) Acts, 1890 to 1921.

(3) This Act shall apply to Scotland only.

## CHAPTER 34.

An Act to amend the Representation of the People Acts, 1918 to 1920, with respect to interruptions of residence during the qualifying period. [4th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Interruption of residence by service.

**1.**—(1) The residence of a person in any premises shall not be deemed to have been interrupted for the purposes of the Representation of the People Acts, 1918 to 1920, by reason only of the fact that that person has been absent from the premises during part of the qualifying period, not exceeding four months at any one time, in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him; but the express enactment of this provision shall not affect in any way the general principles governing the interpretation of the expression "residence" and cognate expressions.

50 & 51 Vict. c. 9.

(2) Section three of the Police Disabilities Removal Act, 1887, is hereby repealed.

Short title.

**2.** This Act may be cited as the Representation of the People Act, 1921, and the Representation of the People Acts, 1918 to 1920, and this Act may be cited together as the Representation of the People Acts, 1918 to 1921.

# CHAPTER 35.

A.D. 1921.

An Act to provide for the greater uniformity in the Weights and Measures used in the Sale of Corn and other Crops, to amend the Corn Returns Act, 1882, and for purposes connected therewith. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Sale of corn to be by weight.

**1.** From and after the commencement of this Act, every contract, bargain, sale or dealing relating to corn shall, unless it is made or had by weight only and in terms of and by reference to the hundredweight of one hundred and twelve imperial standard pounds, be null and void:

Provided that this Act shall not apply to any contract, bargain, sale or dealing—

(i) for or relating to a less quantity of corn than one hundred and twelve imperial standard pounds;

(ii) for or relating to corn which at the date of the contract, bargain, sale or dealing is not within the United Kingdom, or to corn imported into the United Kingdom so long as the same shall remain in the warehouse, or store, or shed where the same shall have been first stored on importation;

(iii) for or relating to corn imported into the United Kingdom in cases where such contract, bargain, sale, or dealing provides for delivery in the original bags in which the corn was imported (subject only to rebagging in replacement of damaged bags);

(iv) for or relating to corn bought or sold for export from the United Kingdom;

(v) for or relating to corn growing on or in the land or to corn unthreshed.

Amendment of Corn Returns Act, 1882. 45 & 46 Vict. c. 37.

**2.** The Corn Returns Act, 1882, shall be amended as follows:—

(1) In section five (which relates to the weekly returns of purchases of British corn) the words

"the weight or measure by which the same was bought" shall be repealed.

(2) For section eight (which relates to the computing of corn according to the bushel) the following section shall be substituted :—

"8. In the weekly summary of quantities and prices each sort of British corn shall be computed with reference to the hundredweight of one hundred and twelve imperial standard pounds."

(3) In subsection (6) of section nine (which relates to the computation and publication of averages) and in section ten (which relates to the application of the septennial average to the Tithe Commutation Acts) for the words "imperial bushel" there shall be substituted the words "hundred-" weight of one hundred and twelve imperial " standard pounds."

Minimum prices under the Corn Production Acts, 1917 and 1920, to be fixed in terms of hundredweight.
10 & 11 Geo. 5. c. 76.
7 & 8 Geo. 5. c. 46.

**3.**—(1) The corresponding minimum prices of wheat and oats to be fixed under section two of the Agriculture Act, 1920, shall be fixed in terms of the hundredweight of one hundred and twelve imperial standard pounds, and His Majesty may by Order in Council substitute for the minimum price of wheat and oats specified in section two of the Corn Production Act, 1917, and section two of the Agriculture Act, 1920, equivalent minimum prices expressed in terms of the hundredweight aforesaid.

(2) The average price of wheat or oats for the purposes of Part I. of the Corn Production Act, 1917, shall be the average price computed with reference to the hundredweight aforesaid instead of the average price per quarter, and His Majesty may by Order in Council make such modifications in that Act as are necessary to adapt that Act to the provisions of this section.

(3) All copies of the Corn Production Act, 1917, and of the Agriculture Act, 1920, printed after any Order in Council is made under this section shall be printed with the addition thereto, the omission therefrom, or the substitution therein of such words as are directed by the Order to be so added, omitted, or substituted, and that Act shall be construed as if it had at the time when the Order is made been enacted with the addition, omission, or substitution so directed to be made.

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Corn when deemed to be purchased in a town for purpose of Corn Returns Act, 1882.

**4.** Where an offer to buy corn is made in any town the corn shall, for the purposes of the Corn Returns Act, 1882, be deemed to be bought in that town, notwithstanding that the offer is accepted elsewhere.

Adaptation of Acts and awards providing for payment based on price of imperial bushels or other measures.

**5.**—(1) Where under the provisions of any Act or award or other instrument any payments are to be calculated on the price or value of an imperial bushel of wheat, barley, or oats, those provisions shall have effect as if the payment were to be calculated on the price or value of sixty imperial pounds of wheat, fifty imperial pounds of barley, or thirty-nine imperial pounds of oats, as the case may be.

(2) Where under the provisions of any Act or award or other instrument any payments are to be calculated on the price or value of any measure of wheat, barley, or oats other than the imperial bushel, the Minister of Agriculture and Fisheries, or, as regards Scotland, the Board of Agriculture for Scotland, may certify what number of imperial pounds ought, having regard to the foregoing provisions of this section, to be substituted for that other measure, and thereupon those provisions shall have effect as if the payment were to be calculated on the price or value of the number of imperial pounds so certified.

Interpretation.

**6.** In this Act the expression "corn" shall, where the context permits, include wheat, barley, oats, rye, maize and the meal and bran derived therefrom, and any mixture thereof, and this Act shall apply to dried peas, dried beans, linseed and potatoes, and to the seed of grass, clover, vetches, swedes, field turnips, rape, field cabbages, field kale, field kohl-rabi, mangels, beet and sugar-beet, flax, and sainfoin in like manner as it applies to corn.

Short title and commencement.

**7.**—(1) This Act may be cited as the Corn Sales Act, 1921.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-three.

## CHAPTER 36.

An Act to renew section two of the Juries (Emergency Provisions) Act, 1920. A.D. 1921.

[17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Renewal of s. 2 of 10 & 11 Geo. 5. c. 78.

**1.** Section two of the Juries (Emergency Provisions) Act, 1920 (which makes provision as to the preparation of jury lists for the year nineteen hundred and twenty-one in certain cities, boroughs and towns), shall have effect for the purpose of the preparation of jury lists for the year nineteen hundred and twenty-two in the cities, boroughs, and towns to which that section relates as it had effect for the purpose of the preparation of jury lists for the year nineteen hundred and twenty-one, as if the words "nine-" teen hundred and twenty-two, not later than the first " day of December, nineteen hundred and twenty-one" were therein substituted for the words "nineteen hundred " and twenty-one, forthwith after the passing of this " Act."

Short title.

**2.** This Act may be cited as the Juries (Emergency Provisions) (Renewal) Act, 1921.

## CHAPTER 37.

An Act to provide for the application of new designations to the territorial force and the special reserve, and to repeal enactments relating to the militia and yeomanry; and for purposes in connection therewith.

[17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

New designation for

**1.** The territorial force which His Majesty is empowered to raise and maintain under Part II. of the

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the territorial force.

7 Edw.7. c.9.

Territorial and Reserve Forces Act, 1907, shall be called the territorial army, and accordingly that Act and any other enactment, Royal warrant, proclamation, order, regulation, or document applying to the territorial force shall have effect as though references therein to the territorial army were substituted for references to the territorial force.

New designation for the special reserve.

**2.** That portion of the army reserve which has hitherto been known as "the special reserve" shall be called "the militia," and accordingly sections thirty to thirty-three of the Territorial and Reserve Forces Act, 1907, and any other enactment, Royal warrant, proclamation, order, regulation, or document applying to the special reserve shall have effect as though references therein to the militia were substituted for references therein to the special reserve, and as though references therein to a militiaman and to militiamen were substituted for references therein to a special reservist and to special reservists.

Amendments of the Army Act.

**3.** The sections of the Army Act specified in the First Schedule to this Act shall be amended in the manner shown in the second column of that schedule.

Abolition of existing militia and yeomanry.

**4.**—(1) The power to raise and maintain a militia force or a yeomanry force under any of the enactments set out in the Second Schedule to this Act shall cease, and those enactments shall be repealed to the extent specified in the third column of that schedule:

Provided that, notwithstanding anything in this section, any enactment repealed by this Act which relates to militia storehouses shall continue to apply in relation to militia storehouses provided before the commencement of this Act, as though this Act had not been passed.

(2) In this section the expression "militia storehouses" means any buildings or premises provided for the purpose of keeping therein the arms, accoutrements, clothing, and other stores belonging to any regiment, battalion or corps of militia, when not embodied.

Short title and commencement.

**5.**—(1) This Act may be cited as the Territorial Army and Militia Act, 1921.

(2) This Act shall come into operation on the first day of October, nineteen hundred and twenty-one.

# SCHEDULES.

## FIRST SCHEDULE.

Section 3.

### AMENDMENTS OF THE ARMY ACT.

| Section. | How to be amended. |
|---|---|
| 13 (1) (*a*) - | For "the militia or territorial force when embodied or the yeomanry when called out for actual military service" there shall be substituted "the territorial army when embodied." |
| (*b*) - | For "the militia or territorial force" there shall be substituted "the territorial army." |
| 92 (3) - - | For "special reservist" there shall be substituted "militiaman." |
| 108A (1) - - | For "territorial force" there shall be substituted "territorial army." |
| 115 (7) and (8) | The words "or an order for the embodiment of the militia" shall be omitted from both subsections. |
| 175 (3) - - | The subsection shall be omitted. |
| (3A) - - | For "territorial force," wherever those words occur, there shall be substituted "territorial army". |
| (5) - - | The words "officers of the yeomanry and" shall be omitted. |
| (6) - - | The words "yeomanry or" shall be omitted. |
| (10) - - | For "special reserve" there shall be substituted "militia". |
| 176 (5) - - | The words "or the militia reserve force" shall be omitted. |
| (6) - - | The subsection shall be omitted. |
| (6A) - - | For "territorial force" there shall be substituted "territorial army". |
| (7) - - | The subsection shall be omitted. |
| (8) - - | The words "or with any portion of the militia when subject to military law" shall be omitted. |
| 181 (4) - - | The following subsection shall be substituted for subsection (4):— "(4) An order issued and signed as a route or an order signed by the officer commanding the unit of the territorial army, or the battalion or corps of volunteers, shall be substituted for a route— "(*a*) In the case of any man of the territorial army attending for his preliminary training; and |

| Section. | How to be amended. |
|---|---|
| | "(*b*) In the case of any officer, non-commissioned officer, or man of the territorial army, assembled for training and exercise at the place in the United Kingdom appointed by His Majesty in that behalf; and<br>"(*c*) In the case of any officer, non-commissioned officer, or man of the territorial army, embodied under an order of His Majesty, who has joined his corps at the place appointed for his assembling; and<br>"(*d*) In the case of any officer, non-commissioned officer, or man of the volunteers attending at the place at which his corps is required to assemble;<br>and an order to billet such officer, non-commissioned officer, or man purporting to be signed in manner required by this Act in the case of a route, or by the officer commanding a unit of the territorial army, or a battalion or corps of volunteers, as the case may be, shall be evidence, until the contrary is proved, of the order being issued in accordance with this Act, and when delivered to an officer, non-commissioned officer, or man of the territorial army or volunteers shall be a sufficient authority to such officer, non-commissioned officer, or man to demand billets; and when produced by an officer, non-commissioned officer, or man to a constable shall be conclusive evidence to such constable of the authority of the officer, non-commissioned officer, or man producing the same to demand billets in accordance with the order." |
| 181 (6) - - | For "territorial force" there shall be substituted "territorial army". |
| 190 (9) - - | For "and the militia reserve force" there shall be substituted "including the militia". |
| (12) - - | For "territorial force" there shall be substituted "territorial army", and the words "the militia, the yeomanry" shall be omitted. |
| (13) - - | The subsection shall be omitted. |

## SECOND SCHEDULE.

Section 4.

### ENACTMENTS REPEALED.

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 14 Car. 2. c. 3. | An Act for ordering the forces in the several counties of the Kingdom. | The whole Act, except so much of section one as confers power on His Majesty to issue forth commissions of lieutenancy in respect of the City of London, and so much of section twenty-six as provides for the imposition and levying of a rate in the City of London. |
| 15 Car. 2. c. 4. | An additional Act for the better ordering the forces in the several counties of this Kingdom. | The whole Act. |
| 19 Geo. 3. c. 44. | The Nonconformist Relief Act, 1779. | In section one, the words " from serving in the " Militia of this " Kingdom, and shall " also be exempted." |
| 37 Geo. 3. c. 25. | The Militia (Tower Hamlets) Act, 1796. | The whole Act. |
| 42 Geo. 3. c. 68. | The Yeomanry (Ireland) Act, 1802. | The whole Act. |
| 42 Geo. 3. c. 72. | The Militia Stannaries Act, 1802. | The whole Act. |
| 42 Geo. 3. c. 90. | The Militia Act, 1802 - - | The whole Act, except so much of section eighteen as prescribes the appointment of clerks to general meetings. |
| 42 Geo. 3. c. 91. | The Militia (Scotland) Act, 1802. | The whole Act, except so much of section thirteen as prescribes the appointment of clerks to general meetings. |
| 43 Geo. 3. c. 10. | The Militia (Exemption of Religious Teachers) Act, 1802. | The whole Act. |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 43 Geo. 3. c. 50. | The Militia Act, 1803 - - | The whole Act. |
| 43 Geo. 3. c. 89. | The Militia (Scotland) Act, 1803. | Section twenty-one. |
| 43 Geo. 3. c. 100. | The Militia (Scotland) (No. 2) Act, 1803. | The whole Act. |
| 44 Geo. 3. c. 54. | The Yeomanry Act, 1804 - | The whole Act. |
| 44 Geo. 3. c. 94. | The Yeomanry Accounts Act, 1804. | The whole Act. |
| 49 Geo. 3. c. 120. | The Militia (Ireland) Act, 1809 | The whole Act, except so much of section seventy-four as prescribes the appointment of clerks to general meetings. |
| 52 Geo. 3. c. 38. | The Local Militia (England) Act, 1812. | The whole Act. |
| 52 Geo. 3. c. 68. | The Local Militia (Scotland) Act, 1812. | The whole Act. |
| 52 Geo. 3. c. 105. | The Militia Returns Act, 1812. | The whole Act. |
| 52 Geo. 3. c. 116. | The Local Militia (Exemption) Act, 1812. | The whole Act. |
| 52 Geo. 3. c. 155. | The Places of Religious Worship Act, 1812. | Section nine. |
| 53 Geo. 3. c. 28. | The Local Militia (England) Act, 1813. | The whole Act. |
| 53 Geo. 3. c. 29. | The Local Militia (Scotland) Act, 1813. | The whole Act. |
| 53 Geo. 3. c. 48. | The Local Militia (Ireland) Act, 1813. | Section two. |
| 55 Geo. 3. c. 65. | The Militia (Medical Examination) Act, 1815. | Section eight. |
| 56 Geo. 3. c. 39. | The Yeomanry (Training) Act, 1816. | The whole Act. |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 57 Geo. 3. c. 44. | The Yeomanry Act, 1817 - | The whole Act. |
| 1 Geo. 4. c. 100. | The Militia (City of London) Act, 1820. | The whole Act, except sections thirty-four to forty, forty five and forty-eight. |
| 7 Geo. 4. c. 58. | The Yeomanry Act, 1826 - | The whole Act. |
| 2 & 3 Vict. c. 93. | The County Police Act, 1839 - | In section ten, the words "or in the militia". |
| 3 & 4 Vict. c. 84. | The Metropolitan Police Courts Act, 1840. | Section ten. |
| 5 & 6 Vict. c. 55. | The Railway Regulation Act, 1842. | In section twenty, the word "militia." |
| 7 & 8 Vict. c. 85. | The Railway Regulation Act, 1844. | In section twelve, the words "militia or" in both places where those words occur. |
| 15 & 16 Vict. c. 50. | The Militia Act, 1852 - - | The whole Act. |
| 16 & 17 Vict. c. 73. | The Naval Volunteers Act, 1853. | In section eight, the words "from service in the militia and". |
| 17 & 18 Vict. c. 105. | The Militia Law (Amendment) Act, 1854. | The whole Act. |
| 17 & 18 Vict. c. 106. | The Militia (Scotland) Act, 1854. | The whole Act. |
| 17 & 18 Vict. c. 107. | The Militia (Ireland) Act, 1854. | The whole Act. |
| 18 & 19 Vict. c. 57. | The Militia Act, 1855 - - | The whole Act. |
| 20 & 21 Vict. c. 11. | The Militia (Ireland) Act, 1857. | The whole Act. |
| 21 & 22 Vict. c. 90. | The Medical Act, 1858 - - | In section thirty-five, the words "and from "serving in the "militia" and "in the militia, or". |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 22 & 23 Vict. c. 40. | The Royal Naval Reserve (Volunteer) Act, 1859. | In section seven, the words "from service in the militia and". |
| 23 & 24 Vict. c. 94. | The Militia (Storehouses) Act, 1860. | The whole Act. |
| 23 & 24 Vict. c. 120. | The Militia (Ballot) Act, 1860 | The whole Act. |
| 25 & 26 Vict. c. 4. | The Officers Commissions Act, 1862. | In section one, the words "Militia and". |
| 26 & 27 Vict. c. 65. | The Volunteer Act, 1863 - | In section five, the words "and Militia" and "and shall rank "with officers of the "Yeomanry Force "according to the "rank and date of "their respective "commissions in the "respective forces"; in section eight, the words "enrols himself as a volunteer "or substitute in "the Militia, or is "attested to serve "on the permanent "staff thereof or"; section forty-one; and part (iv) of the Schedule. |
| 28 & 29 Vict. c. 46. | The Militia (Ballot Suspension) Act, 1865. | The whole Act. |
| 32 & 33 Vict. c. 80. | The Militia (Ireland) Act, 1869. | The whole Act. |
| 33 & 34 Vict. c. 67. | The Reserve Forces Act, 1870. | Section twenty. |
| 33 & 34 Vict. c. 77. | The Juries Act, 1870 - - | In the Schedule, the words "militia and yeomanry." |
| 33 & 34 Vict. c. 96. | The Appropriation Act, 1870 - | In section six, the words "militia, yeomanry." |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 34 & 35 Vict. c. 86. | The Regulation of the Forces Act, 1871. | In section six, the words "militia, yeomanry, and" wherever those words occur, and the words "militia, yeomanry, or"; in section nineteen, the words "the Constable of the Tower," and the words "in relation to the General or Local Militia". |
| 38 & 39 Vict. c. 25. | The Public Stores Act, 1875 - | In section eight, the words "militia or", and in section thirteen, the word "militiaman." |
| 39 & 40 Vict. c. 36. | The Customs Consolidation Act, 1876. | In section nine, the words "in the militia or". |
| 41 & 42 Vict. c. 33. | The Dentists Act, 1878 - - | In section thirty, the words "and from serving in the militia," and "in the militia or". |
| 45 & 46 Vict. c. 48. | The Reserve Forces Act, 1882 | Sections eight to ten; in section eleven, in subsection (1), the words "and the militia reserve respectively", the words "in the case of a man belonging to the army reserve", and the words "and in the case of a man belonging to the militia reserve fifty-six days", and subsection (3); in section twelve, the words "and the militia reserve or either of them" in subsection (1), and the words "forces or" in subsection (2); in section thirteen, the words "and militia reserve or either of them"; in section fourteen, the words "either of" in sub- |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 45 & 46 Vict. c. 48—*cont.* | The Reserve Forces Act, 1882 —*cont.* | section (1); in section fifteen, the words "or "militia" in both places where those words occur; in section sixteen, the words "or militia" in both places where those words occur; in section seventeen, the words "or militia" wherever those words occur; in section eighteen, the words "or militia", the words "or militia "reserve as the case "may be", and the words "and (*b*) in "section one hun- "dred, so far as re- "lates to the militia "reserve, of 'one "'whole period of "'annual training' "for 'three months'" in subsection (1); and the words "or "by a militia officer" and the words "or "militia" in subsection (2); in section nineteen, the words "or militia reserve" in both places where those words occur; in section twenty, the words "and the "militia reserve or "either of them" in both places where those words occur in subsection (1), and the words "or "militia" in subsection (3); in section twenty-three, the words "or militia" and "and militia"; in section twenty-four, the words "or "militia" wherever |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 45 & 46 Vict. c. 48—*cont.* | The Reserve Forces Act, 1882 —*cont.* | those words occur; in section twenty-seven, the words "or "militia"; in section twenty-eight, the words "and 'militia "'reserve force'", the word "respectively", and the words "and "militia reserve"; in section twenty-nine, the words "or to "the militia reserve "force" wherever those words occur, and the words "or to "the militia reserve" in subsection (3), and the words "either" and "or the militia "reserve force" in subsection (4). |
| 45 & 46 Vict. c. 49. | The Militia Act, 1882 - - | Sections three to twenty-eight; thirty-seven to forty-seven; subsections (1) to (4) of section forty-nine; so much of subsection (5) of section forty-nine as relates to the raising of a corps of miners; section fifty-one, and the Third Schedule. |
| 47 & 48 Vict. c. 55. | The Pensions and Yeomanry Pay Act, 1884. | The whole Act, so far as it applies to the yeomanry. |
| 51 & 52 Vict. c. 31. | The National Defence Act, 1888. | Section two. |
| 51 & 52 Vict. c. 41. | The Local Government Act, 1888. | In subsection (1) of section fifty-nine, the word "militia" in both places where that word occurs. |
| 53 & 54 Vict. c. 21. | The Inland Revenue Regulation Act, 1890. | In section eight, the words "or in the militia". |
| 55 & 56 Vict. c. 43. | The Military Lands Act, 1892 | Section nineteen. |

| Reign and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 59 & 60 Vict. c. 25. | The Friendly Societies Act, 1896. | In subsection (1) of section forty-three, the words "in the militia or", and the words "yeomanry or". |
| 61 & 62 Vict. c. 9. | The Reserve Forces and Militia Act, 1898. | Section two. |
| 63 & 64 Vict. c. 42. | The Reserve Forces Act, 1900 | Section two. |
| 1 Edw. 7. c. 14. | The Militia and Yeomanry Act, 1901. | The whole Act. |
| 2 Edw. 7. c. 39. | The Militia and Yeomanry Act, 1902. | The whole Act. |
| 7 Edw. 7. c. 9. | The Territorial and Reserve Forces Act, 1907. | Section thirty-four. |
| 8 Edw. 7. c. 48. | The Post Office Act, 1908 - | In section forty-three, the words "or in the militia". |

## CHAPTER 38.

### An Act to increase the maximum licence duties for fishing for salmon and freshwater fish.

[17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of maximum licence duties.

**1.**—(1) The maximum licence duties that may be imposed in relation to salmon or freshwater fish under the Salmon and Freshwater Fisheries Acts, 1861 to 1907, or any Provisional Order made thereunder, or under the Fisheries (Ireland) Acts, 1842 to 1909, shall be double the maximum licence duties which may be imposed at the passing of this Act.

(2) The expression "freshwater fish" means fish of any kind other than salmon which live permanently or periodically in fresh water.

Short title.

**2.**—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act, 1921, and may be cited with the Salmon and Freshwater Fisheries Acts, 1861 to 1907, and the Fisheries (Ireland) Acts, 1842 to 1909.

10 & 11 Geo. 5. c. 67.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

## CHAPTER 39.

An Act to make further provision with respect to Admiralty Pensions, and with respect to Pensions, Grants, or Allowances payable under the Injuries in War (Compensation) Acts, and the Government War Obligations Acts.

[17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commutation of pensions.

**1.**—(1) The Admiralty may on the application of the pensioner, in their discretion and on such terms and subject to such conditions as with the approval of the Treasury they may prescribe, commute, by the payment of a capital sum of money, any Admiralty pension payable to a seaman or marine as defined for the purposes of the Naval and Marine Pay and Pensions Act, 1865.

28 & 29 Vict. c. 73.

(2) If any person applying for commutation wilfully makes any false declaration in relation to any matter or thing required under or in pursuance of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding ten pounds.

Restoration of forfeited pension.

**2.**—(1) The Admiralty may, in their discretion and upon such terms as they think fit, restore either in whole or in part any Admiralty pension which has been forfeited under the Forfeiture Act, 1870.

33 & 34 Vict. c. 23.

(2) During such time as any person whose Admiralty pension has been forfeited, whether under the Forfeiture Act, 1870, or otherwise, is undergoing imprisonment, the Admiralty may in their discretion pay or apply any part of the pension which may be restored, under the foregoing provision or otherwise, to or for the benefit of the wife, children, or other dependents of that person.

(3) This section shall apply to any pension, grant, or allowance—

(*a*) payable under a scheme framed under the Injuries in War (Compensation) Act, 1914, the Injuries in War (Compensation) Act, 1914 (Session 2), and the Injuries in War (Compensation) Act, 1915; or

4 & 5 Geo. 5. c. 30.
5 & 6 Geo. 5. c. 18.
5 & 6 Geo. 5. c. 24.

(*b*) for the payment of which provision is made under the Government War Obligations Acts, 1914 to 1918

as it applies to Admiralty pensions:

Provided that in the application of this section to any such pension, grant, or allowance payable under a scheme not administered by the Admiralty, the department by which the scheme is administered shall be substituted for the Admiralty.

Reckoning of coast-guard service for pension.

**3.** So much of section seven of the Coast-Guard Service Act, 1856, as provides that time served in the Coast-Guard shall be reckoned and counted as service for pension, shall not apply in the case of men who whilst serving in the Coast-Guard are in receipt of a pension awarded in whole or in part in respect of their previous service.

19 & 20 Vict. c. 83.

Definition.

**4.** In this Act the expression "Admiralty pension" means any pension awarded and administered by the Admiralty in pursuance of any Order in Council obtained under the Naval and Marine Pay and Pensions Act, 1865, or under the Greenwich Hospital Acts, 1865 to 1898, and, in relation to officers, retired pay.

Short title.

**5.** This Act may be cited as the Admiralty Pensions Act, 1921.

# CHAPTER 40.

An Act to amend the law with respect to Customs in the Isle of Man. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duties on tobacco.

**1.**—(1) The additional duties of Customs on tobacco removed or imported into the Isle of Man, imposed by the Isle of Man (Customs) Act, 1918, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-one, until the first day of August, nineteen hundred and twenty-two. 8 & 9 Geo. 5. c. 41.

(2) As from the thirty-first day of May, nineteen hundred and twenty-one, the additional duty of Customs on cigars removed or imported into the Isle of Man, imposed by subsection (2) of section two of the Isle of Man (Customs) Act, 1920, shall cease to be chargeable. 10&11 Geo. 5. c. 60.

Duties on ale or beer.

**2.** The additional duties of Customs on ale or beer removed or imported into the Isle of Man, imposed by the Isle of Man (Customs) Act, 1919, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-one, until the first day of August, nineteen hundred and twenty-two. 9 & 10 Geo. 5. c. 74.

Duties on spirits.

**3.** In addition to the duties of Customs payable on spirits removed or imported into the Isle of Man, there shall, as from the thirty-first day of May, nineteen hundred and twenty-one, until the first day of August, nineteen hundred and twenty-two, be charged, levied, and paid on spirits shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced, or manufactured in, the British Empire, and on other spirits respectively, such additional duties of Customs as shall be sufficient to make, when added to the existing duties, duties at the rates set out in the Schedule to this Act.

Duties on cocoa.

**4.**—(1) On and from the thirty-first day of May, nineteen hundred and twenty-one, until the first day of

August, nineteen hundred and twenty-two, there shall be charged, levied and paid on cocoa removed or imported into the Isle of Man, shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced or manufactured in, the British Empire, and on other cocoa respectively, the following duties of Customs—

| | | Rate of Duty | |
|---|---|---|---|
| | | consigned from and grown, produced, or manufactured in, the British Empire. | consigned from, grown, produced, or manufactured elsewhere. |
| | | £ s. d. | £ s. d. |
| Cocoa | the cwt. | 1 15 0 | 2 2 0 |
| Husks and shells | „ | 5 0 | 6 0 |
| Cocoa butter | the lb. | 3¾ | 4½ |

(2) The duties of Customs imposed by this section are duties of Customs within the meaning of section seven of the Finance Act, 1901, and the Customs (Tariff) Act, 1876, shall apply to the Isle of Man so far as necessary to give effect to that section.

1 Edw. 7. c. 7. 39 & 40 Vict. c. 35.

New import duties.

**5.**—(1) On and from the thirty-first day of May, nineteen hundred and twenty-one, until the first day of August, nineteen hundred and twenty-two, there shall be charged, levied and paid on any of the following articles removed or imported into the Isle of Man which have been manufactured outside Great Britain or Ireland the following duties of Customs—

| | |
|---|---|
| Clocks, watches and the component parts of clocks and watches. | An amount equal to thirty-three and one-third per cent. of the value of the article. |
| Musical instruments, including gramophones, pianolas and other similar instruments (except pianos, harmoniums, American organs and pipe organs). | |
| Accessories and component parts of musical instruments charged to duty under this section, and records and other means of reproducing music. | |

(2) The value of any article for the purposes of this section shall be taken to be the price which an importer would give for the article if the article were delivered freight and insurance paid in bond at the port of importation in Great Britain or Ireland, or, in the case of importation into the Isle of Man direct from outside Great Britain or Ireland, at the port of importation into the Isle of Man. Duty shall be paid at that value as fixed by the Commissioners of Customs and Excise.

(3) Any dispute arising as to the proper rate of duty payable under this section shall, so far as the question of value is concerned, be referred to a referee appointed by the Lieutenant-Governor of the Isle of Man, and the decision of the referee shall be final and conclusive.

If the decision of the referee involves any variation in the amount of duty payable, duty shall be paid or repaid, as the case may be, so as to correspond with that decision.

(4) Where it is proved to the satisfaction of the Commissioners of Customs and Excise that any article is of a kind mainly used as an accessory or component part which is liable to duty under this section but is imported for use for some other purpose, or has been or is being exclusively used for some other purpose, the Commissioners shall, subject to such conditions (if any) as they think fit, allow the article to be imported free of duty or repay any duty paid on importation as the case requires.

(5) The Lieutenant-Governor of the Isle of Man may by order exempt any articles mentioned in the order which are liable to duty under this section from that duty if he is satisfied that, having regard to the small value of the article, it is inexpedient that the duty should be charged.

Application of s. 8 of Finance Act, 1919.

**6.** Any provisions of section eight of the Finance Act, 1919, which are applied with respect to the preferential rates referred to in section five of the Isle of Man (Customs) Act, 1919, shall apply, with the same modifications, to any preferential rates chargeable under this Act on articles consigned from and grown, produced, or manufactured in the British Empire.

Short title.

**7.** This Act may be cited as the Isle of Man (Customs) Act, 1921.

Section 3.

## SCHEDULE.

### DUTIES ON SPIRITS.

| Nature of Spirits. | Rate of Duty: consigned from and grown, produced, or manufactured in, the British Empire. | Rate of Duty: consigned from, grown, produced, or manufactured elsewhere. |
|---|---|---|
| | £ s. d. | £ s. d. |
| Brandy, Geneva and other foreign spirits the gallon | 3 7 6 | 3 10 0 |
| Rum, including shrub of the British Possessions - - - - the gallon | 3 7 6 | 3 10 0 |
| British and Irish spirits, not otherwise exempted from the payment of duty the gallon | 3 7 6 | 3 10 0 |
| Liqueurs, cordials and mixed or sweetened spirits - - - - - the gallon | 3 7 6 | 3 10 0 |
| All such spirits to be computed at hydrometer proof, provided that, where a person importing liqueurs, cordials or mixed or sweetened spirits in bottle has entered same in such manner as to indicate that the strength is not to be tested, duty shall be levied and paid at the rate of the gallon | 3 19 5 | 4 2 9 |
| Perfumed spirits - - - the gallon | 4 6 6 | 4 10 6 |

## CHAPTER 41.

### An Act to amend the Greenwich Hospital Act, 1872. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 4 of 35 & 36 Vict. c. 67.

**1.** The restrictions contained in section four of the Greenwich Hospital Act, 1872 (which empowers the Admiralty to provide for the education and maintenance of daughters of seamen and marines), with respect to the amount that may be expended under that section on the education and maintenance of any girl, shall cease to have effect, and accordingly the words in that section from "(2) The amount expended" to the end of the section shall be repealed.

Short title and construction.

**2.** This Act may be cited as the Greenwich Hospital Act, 1921, and the Greenwich Hospital Acts, 1865 to 1898, and this Act may be cited together as the Greenwich Hospital Acts, 1865 to 1921.

## CHAPTER 42.

An Act to amend the law relating to the sale and supply of intoxicating liquor, and for purposes in connection therewith. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Part I.

### Conditions of Sale, &c., of Intoxicating Liquor.

Permitted hours on week days.

**1.**—(1) The hours during which intoxicating liquor may be sold or supplied on week days in any licensed premises or club, for consumption either on or off the premises, shall be as follows, that is to say: eight hours, beginning not earlier than eleven in the morning and ending not later than ten at night, with a break of at least two hours after twelve (noon):

Provided that—

(*a*) in the application of this provision to the metropolis "nine" shall be substituted for

"eight," and "eleven at night" shall be substituted for "ten at night"; and

(*b*) the licensing justices for any licensing district outside the metropolis may by order, if satisfied that the special requirements of the district render it desirable, make, as respects their district, either or both of the following directions—

(i) that this provision shall have effect as though "eight and a half" were substituted for "eight" and "half-past ten at night" were substituted for "ten at night";

(ii) that this provision shall have effect as though some hour specified in the order earlier than eleven, but not earlier than nine, in the morning were substituted for "eleven in the morning."

(2) Subject to the foregoing provisions, the permitted hours on week days shall be such as may be fixed, in the case of licensed premises by order of the licensing justices of the licensing district, and in the case of a club in accordance with the rules of the club:

Provided that, pending any decision under this subsection, the permitted hours on week days shall be—

(*a*) in the metropolis, the hours between half-past eleven in the morning and three in the afternoon, and between half-past five in the afternoon and eleven at night; and

(*b*) elsewhere, the hours between half-past eleven in the morning and three in the afternoon, and between half-past five in the afternoon and ten at night.

Permitted hours on Sundays.

**2.**—(1) The hours during which intoxicating liquor may be sold or supplied on Sundays, Christmas Day and Good Friday in any licensed premises or club, for consumption either on or off the premises, shall be as follows, that is to say, five hours, of which not more than two shall be between twelve (noon) and three in the afternoon, and not more than three between six and ten in the evening:

Provided that in Wales and Monmouthshire there shall be no permitted hours for licensed premises on Sundays, or on Christmas Day when it falls on a Sunday.

(2) Subject to the foregoing provisions, the permitted hours on Sundays shall be such as may be fixed, in the case of licensed premises by order of the licensing justices of the licensing district, and in the case of a club in accordance with the rules of the club:

Provided that, pending any decision under this subsection, the permitted hours on Sundays, Christmas Day and Good Friday, shall be the hours between half-past twelve and half-past two in the afternoon, and the hours between seven and ten in the evening.

Special provision as to extension of permitted hours in the evening in certain premises.

3.—(1) The provisions of this Act as to permitted hours on week-days shall, as respects licensed premises or clubs to which this section applies, have effect, if the holder of the licence or the committee of the club so elects, as though one hour were added at the end of the permitted hours in the evening:

Provided that any intoxicating liquor sold or supplied during that hour shall be sold or supplied only for consumption at a meal supplied at the same time in such portion of the premises as is usually set apart for the service of meals, and no person shall consume or be permitted to consume any intoxicating liquor on the premises during that hour except at such meal, and any drinking bar in the said premises shall be closed during that hour.

(2) This section applies to any licensed premises or clubs if and so long as the licensing justices are satisfied that they are structurally adapted and bonâ fide used or intended to be used for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary.

(3) The holder of the licence, or the secretary of the club, shall give not less than fourteen days' previous notice in writing to the superintendent of the police of the district wherein the premises are situate of the date on which he intends to begin to avail himself of the provisions of this section; and on and after that date shall affix and keep permanently affixed in some conspicuous place in the premises a notice to the effect that the provisions of this section apply to the premises; and the said provisions shall apply accordingly for the period of the current licensing year, and shall continue to apply unless

the holder of the licence or secretary gives not less than fourteen days' notice in writing before the expiration of any licensing year to the superintendent of the police aforesaid that he intends to cease to avail himself of the provisions of this section, in which case the said provisions shall cease to apply at the end of that year.

Effect of restricted hours.

**4.** Subject to the provisions of this Part of this Act, no person shall, except during the permitted hours—

(*a*) either by himself, or by any servant or agent, sell or supply to any person in any licensed premises or club any intoxicating liquor to be consumed either on or off the premises; or

(*b*) consume in or take from any such premises or club any intoxicating liquor.

Exemptions and saving provisions.

**5.** Nothing in the foregoing provisions of this Part of this Act shall be deemed to prohibit or restrict—

(*a*) the sale or supply to, or consumption by, any person of intoxicating liquor in any licensed premises or club where he is residing; or

(*b*) the ordering of intoxicating liquor to be consumed off the premises, or the despatch by the vendor of liquor so ordered; or

(*c*) the supply of intoxicating liquor for consumption on licensed premises to any private friends of the holder of the licence bonâ fide entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied; or

(*d*) the consumption of intoxicating liquor with a meal by any person in any licensed premises or club at any time within half an hour after the conclusion of the permitted hours, provided that the liquor was supplied during permitted hours and served at the same time as the meal and for consumption at the meal; or

(*e*) the sale of intoxicating liquor to a trader for the purposes of his trade, or to a club for the purposes of the club; or

(*f*) the sale or supply of intoxicating liquor to or in any canteen where the sale of intoxicating liquor is carried on under the authority of a Secretary of State or the Admiralty, or to any authorised mess of officers or non-commissioned officers of His Majesty's naval, military or air forces.

Application and adaptation of Licensing Act. 10 Edw. 7. & 1 Geo. 5. c. 24.

**6.**—(1) The foregoing provisions of this Act shall have effect in lieu of section fifty-four of, and the Sixth Schedule to, the Licensing (Consolidation) Act, 1910, but (subject as hereinafter provided in this Act), all the other provisions of that Act with respect to closing hours shall continue in force.

(2) The provisions of the Licensing (Consolidation) Act, 1910, specified in Part I. of the First Schedule to this Act shall be repealed, and the provisions of that Act specified in Part II. of that Schedule shall have effect subject to the modifications provided for in that Part of that Schedule.

Conditions as to distribution.

**7.**—(1) No person shall either by himself or by any servant or agent—

(*a*) sell, supply, distribute, or deliver, or induce any person to sell, supply, distribute or deliver any intoxicating liquor from any van, barrow, basket or other vehicle or receptacle, unless before the liquor is despatched it has been ordered and the quantity, description and price thereof, together with the name and address of the person to whom it is to be supplied, has been entered in a delivery book or invoice, which shall be carried by the person delivering the liquor, and in a day book which shall be kept on the premises from which the liquor is despatched; or

(*b*) carry or convey in any van, barrow, basket or other vehicle or receptacle, while in use for the distribution or delivery of intoxicating liquor, any such liquor not entered in such delivery book or invoice and day book; or

(*c*) distribute or deliver any intoxicating liquor at any address not specified in such delivery book or invoice and day book; or

(*d*) refuse to allow any constable to examine such van, barrow, basket or other vehicle or receptacle, or such delivery book or invoice:

Provided that the holder of a licence shall not be liable to any penalty under this section in respect of an offence committed by his servant or agent if he proves that such offence was committed without his knowledge or consent.

(2) Nothing in this section shall be deemed to prohibit or restrict the sale, supply, distribution, or delivery of intoxicating liquor to a trader for the purposes of his trade, or to a club for the purposes of the club.

Restriction on credit for on-sales.

**8.**—(1) No person shall—

(*a*) either by himself or by any servant or agent sell or supply in any licensed premises or club any intoxicating liquor to be consumed on the premises; or

(*b*) consume any intoxicating liquor in such premises or club;

unless it is paid for before or at the time when it is sold or supplied:

Provided always that, if the liquor is sold or supplied for consumption with a meal supplied at the same time and is consumed with such meal, this provision shall not be deemed to be contravened if the price of the liquor is paid together with the price of such meal.

(2) Nothing in this section shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any canteen where the sale of intoxicating liquor is carried on under the authority of a Secretary of State or the Admiralty or to any authorised mess of officers or non-commissioned officers of His Majesty's naval, military or air forces.

Long pull prohibited.

**9.** No person shall, either by himself or by any servant or agent in any licensed premises or club, sell or supply to any person, as the measure of intoxicating liquor for which he asks, an amount exceeding that measure.

Strength of spirits.

**10.** In determining whether an offence has been committed under the enactments relating to the sale of food and drugs by selling to the prejudice of the purchaser whisky, brandy, rum or gin not adulterated otherwise than by any admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than thirty-five degrees under proof, and section six of the Sale of Food and Drugs Act, 1879, is hereby repealed.

42 & 43 Vict. c. 30.

Certain liquor not to be treated as an intoxicating liquor if excise licence not required for its sale. 3 Edw. 7. c. 25.

**11.** If, under the laws relating to the excise for the time being in force, any liquor, being liquor to which this section applies, may be sold, whether wholesale or by retail, without an excise licence, that liquor shall not be deemed to be beer or an intoxicating liquor within the meaning of the Licensing (Consolidation) Act, 1910, or to be beer or an exciseable liquor within the meaning of the Licensing (Scotland) Act, 1903.

The liquor to which this section applies is any liquor which, whether made on the licensed premises of a brewer of beer for sale or elsewhere, is found, on analysis of a sample thereof at any time, to be of an original gravity not exceeding one thousand and sixteen degrees and to contain not more than two per cent. of proof spirit.

Supplementary provisions as to orders of licensing justices.

**12.**—(1) The powers of the licensing justices under this Part of this Act may be exercised by them, in accordance with such procedure as may be prescribed by rules made by the Secretary of State, at their general annual licensing meeting, or at any transfer sessions held before the first general annual licensing meeting held after the passing of this Act.

(2) Subject to the provisions of this Act, and of the Licensing (Consolidation) Act, 1910, an order of licensing justices under this Part of this Act—

(*a*) shall apply to all licensed premises and, if applicable to clubs, to all clubs in their district; and

(*b*) may be varied by a subsequent order; and

(*c*) shall be published in such manner as the Secretary of State may prescribe.

(3) A document purporting to be issued by licensing justices under this Part of this Act shall be evidence of the contents thereof.

Statement to be included in club rules.

**13.** The rules of every club contained in the register required to be kept under section ninety-two of the Licensing (Consolidation) Act, 1910, shall include a statement of the permitted hours applicable to that club.

Penalties.

**14.** If any person contravenes or fails to comply with any provision of this Part of this Act, he shall be guilty of an offence against this Act, and any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding thirty pounds.

## PART II.

### WINDING-UP OF CENTRAL CONTROL BOARD (LIQUOR TRAFFIC).

Repeal of war provisions and abolition of Central Control Board (Liquor Traffic). 4 & 5 Geo. 5. c. 77. 5 & 6 Geo. 5. c. 42.

**15.**—(1) The Intoxicating Liquor (Temporary Restriction) Act, 1914, and the Defence of the Realm (Amendment) (No. 3) Act, 1915, are hereby repealed, and (subject as hereinafter provided) any regulations or orders made thereunder shall cease to have effect, and the Central Control Board (Liquor Traffic) (hereinafter referred to as the Board) is hereby abolished.

(2) Any property (whether real or personal) vested at the time of the commencement of this Part of this Act in the Board or their trustees is hereby transferred to and vested in the Secretary of State as respects property in England, and in the Secretary for Scotland as respects property in Scotland.

(3) If the Secretary of State or the Secretary for Scotland is satisfied that any property vested in him by this Act is no longer required, he may sell or otherwise dispose of it in such manner as he may think fit.

State management districts.

**16.**—(1) Until Parliament otherwise determines, the schemes of State management of the liquor trade established by the Board under the Defence of the Realm (Liquor Control) Regulations, 1915, in the districts defined in the Second Schedule to this Act (in this Act referred to as State Management Districts) may be continued, by the Secretary of State as respects districts in England, and by the Secretary for Scotland as respects districts in Scotland. For this purpose, such of the said regulations as are contained in the extract therefrom which is set out in the Third Schedule to this Act are hereby continued in force in their application to those districts, and shall, to that extent, have effect as if enacted in this Act:

Provided that references to the Secretary of State or the Secretary for Scotland, as the case may require, shall be substituted for references to the Board, and a reference to an offence against this Act shall be substituted for the reference to a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914:

Provided also that the power to acquire premises compulsorily shall apply only in the Carlisle district.

(2) The powers of the Board to carry on business shall, so far as concerns any premises in which the Board was carrying on business at the date of the passing of this Act, be transferred to the Secretary of State or the Secretary for Scotland, as the case may require, and exercisable by him accordingly.

(3) The Secretary of State and Secretary for Scotland shall appoint such persons as they think fit to act as local advisory committees for the purpose of assisting them in the management of the State Management Districts, and pending any such appointment the persons acting as local advisory committees in those districts at the date of the passing of this Act, shall be the local advisory committees.

(4) The Secretary of State and the Secretary for Scotland shall cause such accounts to be kept, in relation to the State Management Districts, as the Treasury may direct, and shall cause an annual report to be presented to Parliament as to their procedure in connection with the management of those districts.

(5) In connection with any transfer effected by this Part of this Act, the provisions set out in the Fourth Schedule to this Act shall have effect.

Commencement of Part II.

**17.** This Part of this Act shall come into operation at the expiration of two months from the passing of this Act:

Provided that—

(*a*) subject as hereinafter provided, any orders made by the Board under the Defence of the Realm (Liquor Control) Regulations, 1915, and in force at the date of the passing of this Act, shall cease to have effect as from the commencement of Part I. of this Act; and

(*b*) the Defence of the Realm (Liquor Control) Regulations, 1915, shall continue in force until the expiration of the said two months whether or not the war previously terminates; and

(*c*) any order made by the Board under which the sale or supply of intoxicating liquor in any licensed premises or club in any area is permitted at hours other than those applicable to licensed premises and clubs generally in that area shall continue in force until the expiration of the said period of two months; and

(*d*) any certificate of the Board by virtue of which any person was, at the date of the passing of this Act, entitled to sell or supply intoxicating liquor shall remain in force until the expiration of such time as will enable an application by that person for a justices' licence to be made and dealt with.

## PART III.

### GENERAL.

Licensed premises to which Act applies.

**18.** The provisions of this Act with respect to licensed premises apply to any premises or place where intoxicating liquors are sold by retail under a licence, and apply to any premises where the Secretary of State or Secretary for Scotland carries on business as the successor of the Board as though such premises were licensed premises.

Repeal of part of s. 13 of 8 & 9 Vict. c. 109.

**19.** In section thirteen of the Gaming Act, 1845 (which relates to the time when billiard playing is allowed), the following words shall be repealed, that is to say, "and every person holding a victualler's licence who "shall allow any person to play at such table, board, or "instrument kept on the premises specified in such "victualler's licence at any time when such premises "are not by law allowed to be open for the sale of wine, "spirits, or beer, or other fermented or distilled liquors."

Definitions.

**20.** For the purposes of this Act—

The expression "club" means registered club;

The expression "metropolis" means the administrative county of London, with the addition of any area which, though not within the administrative county of London, is within the four-mile radius from Charing Cross;

The expression "permitted hours" means as respects any licensed premises or club the hours on any day during which intoxicating liquor may be sold or supplied therein; and

The expression "conclusion of the permitted hours" means the end of the period in the afternoon or evening (as the case may be) during which the sale or supply of intoxicating liquor for any purpose is permitted.

**21.**—(1) This Act shall apply to Scotland subject to the following modifications:— Application to Scotland and Ireland.

(*a*) The Secretary for Scotland shall, unless the context otherwise requires, be substituted for the Secretary of State; "real" shall mean "heritable"; "personal" shall mean "movable"; "intoxicating liquor" shall mean "exciseable liquor"; "licence" and "justices' licence" shall mean a certificate as defined in Part VII. of the Licensing (Scotland) Act, 1903; "licensing justices" shall mean "licensing court"; a reference to a licensing district shall be construed as a reference to any burgh, county, or district for which there is a separate licensing court; references to the annual general licensing meeting and to transfer sessions shall be construed respectively as references to the April and the October half-yearly meetings of a licensing court; and references to the Licensing (Scotland) Acts, 1903 to 1913, shall be substituted for references to the Licensing (Consolidation) Act, 1910;

(*b*) The section of this Act whereof the marginal note is "Permitted hours on Sundays" shall not apply except as regards clubs;

(*c*) The sections of this Act whereof the marginal notes are "Application and adaptation of Licensing Act", "Statement to be included in club rules", and "Penalties", shall not apply;

(*d*) The provisions of this Act as to the hours during which exciseable liquor may be sold, supplied or consumed in licensed premises on week days shall be substituted for the provisions of the Licensing (Scotland) Acts, 1903 to 1913, as to the hours during which such sale, supply or consumption is permitted on week days, provided that the hour which the licensing court may direct to be substituted for eleven in the morning shall be not earlier than ten; and any reference in the said Acts to the hours when such sale, supply, or consumption is lawful or unlawful, or to hours of opening or closing, shall be construed accordingly;

(*e*) Subject to the provisions of sections forty and fifty-five of the Licensing (Scotland) Act, 1903, as amended by any subsequent enactment, it

shall, notwithstanding the terms of any certificate for the sale by retail of exciseable liquors in force at the passing of this Act, not be lawful for the holder thereof to sell or supply, or permit to be consumed, exciseable liquor on week days, except in accordance with the provisions of this Act as to the hours during which such sale, supply, or consumption is permitted;

(*f*) If any person being the holder of a certificate for the sale by retail of exciseable liquors shall contravene or fail to comply with any of the provisions of this Act, he shall be deemed guilty of a breach of his certificate, and if any other person shall contravene or fail to comply with any of the said provisions, he shall be guilty of an offence and shall be liable to a penalty of ten pounds;

(*g*) In order that any club may be eligible to be registered under the Licensing (Scotland) Acts, 1903 to 1913, the rules shall include a statement of the permitted hours applicable to the club;

(*h*) The proviso to section thirty-five, and sections fifty-six and sixty-three of the Licensing (Scotland) Act, 1903, and section seven of the Temperance (Scotland) Act, 1913, are hereby repealed;

3 & 4 Geo. 5. c. 33.

(*i*) The Secretary for Scotland may by order make such adaptations in the forms contained in the Sixth Schedule to the Licensing (Scotland) Act, 1903, as may seem to him necessary to make those forms conform with the provisions of this Act.

(2) This Act shall not apply to Ireland.

Short title, construction and commencement.

**22.**—(1) This Act may be cited as the Licensing Act, 1921.

(2) This Act shall be construed as one with the Licensing (Consolidation) Act, 1910, and that Act and this Act may be cited together as the Licensing Acts, 1910 and 1921.

(3) This Act as it applies to Scotland shall be construed as one with the Licensing (Scotland) Acts, 1903 to 1913, and those Acts and this Act as it so applies

may be cited together as the Licensing (Scotland) Acts, 1903 to 1921.

(4) Save as otherwise expressly provided, this Act shall come into operation at the expiration of fourteen days after the passing thereof.

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# SCHEDULES.

## FIRST SCHEDULE.

Section 6.

### Part I.

### Provisions of Licensing (Consolidation) Act, 1910, repealed.

Section fifty-four.

Section fifty-six.

Subsection (2) of section fifty-eight from "and the provisions of this Act" to the end of the subsection.

Section sixty-one.

Section sixty-two.

The sixth schedule.

### Part II.

### Modifications of Licensing (Consolidation) Act, 1910.

In sections fifty-five, fifty-seven, fifty-nine, and eighty-four, the reference to the provisions of that Act relating to general closing hours shall be deemed to be a reference to the provisions of this Act as to permitted hours.

Sections fifty-five and fifty-seven shall apply to clubs as they apply to licensed premises with the substitution of references to the secretary of the club for references to the holder of a justices' on-licence.

In section fifty-nine the reference to the sixth schedule of that Act shall be deemed to be a reference to the provisions of this Act as to permitted hours.

Section sixty-four shall have effect notwithstanding the provisions of this Act as to permitted hours.

Section 16

## SECOND SCHEDULE.

### STATE MANAGEMENT DISTRICTS IN ENGLAND.

1. The Carlisle district:—
   The city of Carlisle, the petty sessional divisions of Cumberland Ward and Maryport, so much of the petty sessional division of Wigton as lies to the north-west of a line drawn parallel to and one-quarter of a mile south-east of the main road from Carlisle to Cockermouth, the petty sessional division of Longtown (except the parishes of Nichol Forest, Solport, Trough, Bellbank, and Bewcastle), and the parishes of Bothel and Threapland, Plumbland, Oughterside and Allerby, Gilcrux, Tallentire, Dovenby, and Broughton Moor, in the petty sessional division of Cockermouth, all in the county of Cumberland.
2. The Enfield Lock district:—
   The district comprised within a circle having a radius of six hundred yards from the premises known as the Greyhound Tavern situated in Ordnance Road, Enfield Lock, in the county of Middlesex.

### STATE MANAGEMENT DISTRICTS IN SCOTLAND.

1. The Cromarty Firth district:—
   The burghs of Cromarty, Dingwall, and Invergordon, and the parishes of Rosskeen, Alness, Kiltearn, Dingwall, Urquhart, Resolis, Cromarty, and Fodderty (except the special water district of Strathpeffer), in the county of Ross and Cromarty.
2. The Gretna district:—
   The burgh of Annan, and the parishes of Annan, Canonbie, Cummertrees, Dornock, Gretna, Half Morton, Hoddom, Kirkpatrick-Fleming and Middlebie, in the county of Dumfries.

Section 16.

## THIRD SCHEDULE.

### EXTRACT FROM THE DEFENCE OF THE REALM (LIQUOR CONTROL) REGULATIONS, 1915.

3. The Board may by order prohibit the sale by retail, or the supply in clubs or licensed premises, of intoxicating liquor

within the area, or any part thereof specified in the order, by any person other than the Board, and if any person contravenes or fails to comply with the order he shall, without prejudice to any other penalty, be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914 :

Provided that the order may except from the provisions thereof any specified class or classes of premises or clubs.

5. The Board may either themselves or through any agents, establish and maintain in the area, or provide for the establishment and maintenance in the area of, refreshment rooms for the sale or supply of refreshments (including, if thought fit, the sale or supply of intoxicating liquor) to the general public, or to any particular class of persons, or to persons employed in any particular industry in the area.

6. Where the Board consider that it is necessary or expedient for the purpose of giving proper effect to the control of the liquor supply in the area, they may acquire compulsorily or by agreement, either for the period during which these regulations take effect or permanently, any licensed or other premises in the area, or any interest in any such premises :

Provided that the Board may, in lieu of acquiring any interest in such premises, take possession of the premises and any plant used for the purposes of the business carried on therein for all or any part of the period during which these regulations take effect, and use them for the sale or supply of intoxicating liquor or for the purpose of any of the other powers and duties of the Board.

9. The Board may, without any licence (whether justices' or excise, and whether for the sale of intoxicating liquor or otherwise), carry on in any premises occupied by them any business involving the sale or supply of intoxicating liquor, refreshments, or tobacco, and for that purpose shall not be subject to any of the provisions of the law relating to licensing, or to any restrictions imposed by law on persons carrying on such business.

Any person appointed by the Board to conduct any business on their behalf shall have, to such extent as they may be conferred by the Board, the same powers as the Board of carrying on business without a licence, but all such persons shall in all other respects, except in such cases and to such extent as the Board may otherwise order, be subject to the statutory provisions affecting the holders of licences, and the occupiers of premises licensed, for any business as aforesaid, in like manner as if they were the holders of the appropriate licences, and to any restrictions imposed by law on persons carrying on any such business as aforesaid.

10. The Board shall have power, on any premises in which business is carried on by them or on their behalf, to provide or

authorise the provision of such entertainment or recreation for persons frequenting the premises as the Board think fit, and where such provision is made or such authority is given no licence shall be necessary, and no restrictions imposed by law on the provision of the entertainment or recreation in question shall apply, except to such extent, if any, as the Board may direct.

Section 16.

## FOURTH SCHEDULE.

### PROVISIONS RELATING TO THE TRANSFER OF POWERS, PROPERTY, &C.

1. All rights and liabilities of the Board, whether arising under any contract or otherwise, shall be enforceable by or against the new authority, and in the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, delivered, executed, or made before the transfer to the new authority of any powers or duties, the name of the new authority shall be substituted for the name of the Board or of the trustees of the Board.

2. Where anything has been commenced by or under the direction of the Board, or of the trustees of the Board, before the transfer to the new authority of any powers or duties, such thing may be carried on and completed by or under the direction of the new authority.

3. Where at the time of the transfer of any powers or duties under this Act any proceedings are pending to which the Board or the trustees of the Board are a party, the new authority shall be substituted in any such proceeding for the Board or the trustees of the Board, and such proceeding shall not abate by reason of the substitution.

18 & 19 Vict. c. 117.

4. Section two of the Ordnance Board Transfer Act, 1855, (which relates to the vesting of property in the Secretary of State for the War Department) shall apply with the necessary modifications to all property of any description transferred to and vested in or acquired by the new authority under this Act, or the regulations continued by this Act, as it applies to property transferred to, vested in, or acquired by the Secretary of State under that Act.

5. In this schedule the expression "the new authority" means the Secretary of State or the Secretary for Scotland, as the case may require.

## CHAPTER 43.

An Act to amend section fourteen of the Land Settlement (Facilities) Act, 1919, and sections twenty-six and twenty-nine of the Land Settlement (Scotland) Act, 1919, by extending the periods of time therein respectively mentioned, and to raise the limit on the aggregate amount which may be issued out of the Consolidated Fund under the said section twenty-six for the purpose of advances to the Board of Agriculture for Scotland. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of period for loans under s. 14 of 9 & 10 Geo. 5. c. 59, and ss. 26 and 29 of 9 & 10 Geo. 5. c. 97.

**1.** Section fourteen of the Land Settlement (Facilities) Act, 1919, and section twenty-six of the Land Settlement (Scotland) Act, 1919, (which respectively authorise the Treasury to issue certain sums to the Public Works Loan Commissioners out of the Consolidated Fund for the purpose of certain loans to be made by the Commissioners), and section twenty-nine of the Land Settlement (Scotland) Act, 1919, (which authorises advances by the Board of Agriculture for Scotland to tenants of small holdings) shall have effect as if for the period ending on the expiration of two years after the passing of those Acts respectively there were substituted a period ending on the expiration of four years from the passing of those Acts respectively or on such later date as the Treasury after consultation, in the case of the Lands Settlement (Facilities) Act, 1919, with the Minister of Agriculture and Fisheries, and in the case of the Land Settlement (Scotland) Act, 1919, with the Secretary of Scotland, may fix.

Increase of aggregate amount which may be issued from Consolidated Fund under s. 26 of 9 & 10 Geo. 5. c. 97.

**2.** The limit imposed by subsection (2) of section twenty-six of the Lands Settlement (Scotland) Act, 1919, on the aggregate amount which the Treasury may issue to the Public Works Loan Commissioners out of the Consolidated Fund shall be raised to three million five hundred thousand pounds.

Short title and construction.

3. This Act may be cited as the Land Settlement Amendment Act, 1921, and the Land Settlement (Facilities) Act, 1919, and this Act, so far as it amends that Act, may be cited together as the Land Settlement (Facilities) Acts, 1919 and 1921, and the Land Settlement (Scotland) Act, 1919, and this Act, so far as it amends that Act, may be cited together as the Land Settlement (Scotland) Acts, 1919 and 1921.

## CHAPTER 44.

An Act to make provision for the modification of the charges which may be made in respect of water undertakings. [17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modification of provisions affecting water charges.

1.—(1) Where on the application of any water undertakers it appears to the Minister that, for the purpose of meeting any increase in the cost and charges of and incidental to the carrying on of the undertaking attributable to circumstances arising since the fourth day of August, nineteen hundred and fourteen, which were beyond the control of, and could not have been reasonably avoided by, the undertakers, an order under this section should be made with regard to the undertaking, the Minister may, if he thinks fit, by order—

(*a*) provide for modifying any statutory or other provision affecting or regulating charges to be made by the undertakers, and of any statutory or other provisions consequential thereon or supplemental thereto, in such manner and subject to such conditions as may be just and reasonable;

(*b*) provide for the modification of the provisions of any award or agreement which determine the price to be charged by the undertakers for the supply of water or for any fittings, materials, or service in connection therewith:

Provided that no such modification shall be made except such as may be reasonably necessary for the purpose of meeting such increase, and that, where the undertakers are a company, no modification shall be made which, in the opinion of the Minister, would enable the company, with due care and management, to pay a dividend on the ordinary stock or shares of the undertaking in excess of the maximum rates prescribed for the undertaking or to make up the deficiency of any previous dividends which shall have fallen short of such rates.

(2) If at any time, on the application of the undertakers or a local authority, or, where the local authority are the undertakers, of twenty consumers, it appears to the Minister that the costs and charges of and incidental to the carrying on of the undertaking in respect of which an order has been made have substantially altered, the Minister may make an amending order revising the powers of charging, so, however, that the revised maximum charges shall not in any case be less than the statutory maximum charges applicable to the undertaking on the said fourth day of August, nineteen hundred and fourteen.

(3) An order under this section may—

(*a*) fix the date as from which the charges authorised by the order shall become operative, being a date not less than four weeks after the order is made;

(*b*) revoke, vary, or modify, in whole or in part, any order relating to a water undertaking made under the Statutory Undertakings (Temporary Increase of Charges) Act, 1918; 8 & 9 Geo. 5. c. 34.

(*c*) contains such incidental, supplemental, and consequential provisions as may be necessary to give full effect to the order.

Procedure for making orders.

**2.**—(1) Before making an order under this Act the Minister shall require the applicants to serve notice of the application for the order upon any local authority affected, and to give, in terms approved by him, and in such manner as he may consider best adapted for informing any other persons affected, public notice of the application for the order, and as to the manner in which and the time within which the objections may be made, and as to the manner in which and the place where any documents submitted to the Minister in connection with the application may be inspected and copies thereof made

and purchased, and shall consider any objection which may be duly made, and in the event of any objection being made and not withdrawn shall cause an inquiry to be held.

(2) On the making of an order under this Act, notice shall be given of the making of the order and the effect thereof to any local authority or persons who have objected to the application for an order under the preceding subsection, and if within four weeks from the date of such notice any such local authority, or, where a local authority are the undertakers, twenty consumers, being persons who have so objected as aforesaid, give notice in writing to the Minister that they object to the order, and the objection is not withdrawn, or if for any other reason the Minister thinks it desirable, the order shall be provisional only, and shall not have effect unless and until confirmed by Parliament, but in any other case the order shall have effect as if enacted in this Act.

(3) Rules may be made by the Minister with respect to applications and other proceedings under this Act, including the payments to be made by persons making applications or objections, the publication and service of advertisements and notices, the making of representations and objections, the holding of inquiries, and the cost of such inquiries, and with respect to such other matters of procedure as may be necessary, and the rules with respect to the holding of inquiries may apply the provisions of section seventy-two of the Local Government Act, 1894, relating to local inquiries.

56 & 57 Vict. c. 73.

Interpretation.

**3.**—(1) For the purposes of this Act—

The expression "the Minister" means the Minister of Health;

The expression "water undertakers" means any local authority, joint board, company, body, or person authorised to supply water by any Act of Parliament or order having the force of an Act of Parliament;

The expression "statutory provision" includes provisions of any order having the force of an Act of Parliament;

The expression "local authority" means the mayor, aldermen, and commons of the city of London in common council assembled, the council of any county or borough (including a metropolitan

borough) or urban or rural district, and, in relation to any water undertaking, means any such local authority the whole or any parts of whose area is within the limits of supply of the water undertakers.

(2) For the purpose of any Act of Parliament passed before or after the passing of this Act which refers directly or indirectly to a special Act conferring power on water undertakers, an order made under this Act shall be deemed to be a special Act.

Short title and extent.

**4.**—(1) This Act may be cited as the Water Undertakings (Modification of Charges) Act, 1921.

(2) This Act shall not extend to Scotland or Ireland.

## CHAPTER 45.

### An Act to authorise capital moneys belonging to the Duchy of Lancaster to be applied, up to an amount not exceeding one hundred thousand pounds, as revenues of the Duchy.

[17th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to apply capital moneys of Duchy as revenues.

**1.**—(1) Notwithstanding anything in any Act, any capital moneys belonging to the Duchy of Lancaster may, up to an amount not exceeding one hundred thousand pounds, be applied at any time while this Act is in force, as revenues of the Duchy.

(2) For the purpose of raising capital money to be applied in pursuance of this Act, any investments in the name of the Duchy or held by any persons in trust for the Duchy may be sold, and the moneys arising from the sale of any such investments shall be paid to the Receiver-General of the Duchy for the use of His Majesty.

Short title and duration.

**2.**—(1) This Act may be cited as the Duchy of Lancaster (Application of Capital Moneys) Act, 1921.

(2) This Act shall continue in force until the thirty-first day of December, nineteen hundred and twenty-one.

# CHAPTER 46.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-two, and to appropriate the Supplies granted in this Session of Parliament.

[19th August 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## GRANT OUT OF CONSOLIDATED FUND.

Issue of £493,823,809 out of the Consolidated Fund.

**1.** The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-two the sum of four hundred and ninety-three million eight hundred and twenty-three thousand eight hundred and nine pounds.

Power for the Treasury to borrow.

**2.**—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole four hundred and ninety-three million eight hundred and twenty-three thousand eight hundred and nine pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than

the thirty-first day of March one thousand nine hundred and twenty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

### Appropriation of Grants.

**3.** All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of seven hundred and ninety-six million three hundred and ninety-nine thousand three hundred and forty-one pounds thirteen shillings and nine pence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto. Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule. 54 & 55 Vict. c. 24.

**4.**—(1) So long as the aggregate expenditure on naval and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for Treasury may, in certain cases of exigency, authorise

expenditure unprovided for; provided that the aggregate grants for the navy services and for the air services respectively be not exceeded.

those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy and air expenditure for 1919–1920 unprovided for.

**5.** Whereas surpluses arising on certain votes for the naval and air services respectively have been applied as shown in the accounts set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said accounts is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

**6.** A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanor.

Short title.

**7.** This Act may be cited for all purposes as the Appropriation Act, 1921.

# ABSTRACT

OF

# SCHEDULES (A.) and (B.) to which this Act refers.

## SCHEDULE (A.)

Section 3.

| | £ | s. | d. |
|---|---|---|---|
| Grants out of the Consolidated Fund - | 796,399,341 | 13 | 9 |

## SCHEDULE (B.)—Appropriation of Grants.

Section 3.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriations in Aid. | | |
| 1919–1920–1921. | £ | s. | d. | £ | s. | d. |
| Part 1. Navy Excesses, 1919–1920 | 100 | 0 | 0 | 7,054,188 | 8 | 3 |
| „ 2. Army Excesses, 1919–1920 | 6,835,607 | 1 | 5 | 14,644,376 | 6 | 1 |
| „ 3. Air Force Excesses, 1919–1920 - - - - | 251,214 | 18 | 5 | 327,451 | 9 | 8 |
| „ 4. Civil Service Excess, 1920–1921 - - - - | 28,210 | 13 | 11 | 1,426 | 17 | 10 |
| „ 5. Civil Services (Supplementary), 1920–1921 - | 26,799,900 | 0 | 0 | 23,895,450 | 0 | 0 |
| „ 6. Revenue Departments (Supplementary), 1920–1921 - - - | 3,552,500 | 0 | 0 | — | | |
| £ | 37,467,532 | 13 | 9 | 45,922,893 | 1 | 10 |
| 1921–1922. | | | | | | |
| Part 7. Navy - - - - - | 82,479,000 | 0 | 0 | 9,075,869 | 0 | 0 |
| „ 8. Army - - - - - | 82,094,000 | 0 | 0 | 36,821,000 | 0 | 0 |
| Army (Ordnance Factories) - - - | 350,000 | 0 | 0 | 7,230,775 | 0 | 0 |
| „ 9. Air Force - - - | 18,411,467 | 0 | 0 | 622,400 | 0 | 0 |
| £ | 183,334,467 | 0 | 0 | 53,750,044 | 0 | 0 |
| Carried forward - £ | 220,801,999 | 13 | 9 | 99,672,937 | 1 | 10 |

SCHEDULE (B.)—APPROPRIATION OF GRANTS—*cont.*

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriations in Aid. | | |
| | £ | *s.* | *d.* | £ | *s.* | *d.* |
| Brought forward - | 220,801,999 | 13 | 9 | 99,672,937 | 1 | 10 |
| Part 10. Civil Services, Class I. - | 12,940,443 | 0 | 0 | 5,226,156 | 0 | 0 |
| „ 11. Civil Services, Class II. - | 18,774,229 | 0 | 0 | 3,266,705 | 0 | 0 |
| „ 12. Civil Services, Class III. - | 21,599,461 | 0 | 0 | 1,366,027 | 0 | 0 |
| „ 13. Civil Services, Class IV. - | 67,038,295 | 0 | 0 | 190,922 | 0 | 0 |
| „ 14. Civil Services, Class V. - | 31,491,139 | 0 | 0 | 617,300 | 0 | 0 |
| „ 15. Civil Services, Class VI. - | 149,920,459 | 0 | 0 | 18,650 | 0 | 0 |
| „ 16. Civil Services, Class VII. - | 51,672,193 | 0 | 0 | 10,183,500 | 0 | 0 |
| „ 17. Civil Services, Unclassified | 140,295,186 | 0 | 0 | 12,590,490 | 0 | 0 |
| TOTAL CIVIL SERVICES - £ | 493,731,405 | 0 | 0 | 33,459,750 | 0 | 0 |
| Part 18. Revenue Departments, &c. - | 81,865,937 | 0 | 0 | 1,471,105 | 0 | 0 |
| GRAND TOTAL - £ | 796,399,341 | 13 | 9 | 134,603,792 | 1 | 10 |

## SCHEDULE (A.)

SCHED. (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

| | £ | s. | d. |
|---|---|---|---|
| For the service of the year ended on the 31st day of March 1920 :— | | | |
| Under Act 11 Geo. 5. c. 3 - - - | 7,115,132 | 13 | 9 |
| For the service of the year ended on the 31st day of March 1921 :— | | | |
| Under Act 11 Geo. 5. c. 2 - - - | 21,000,000 | 0 | 0 |
| Under Act 11 Geo. 5. c. 3 - - - | 9,352,400 | 0 | 0 |
| For the service of the year ending on the 31st day of March 1922 :— | | | |
| Under Act 11 Geo. 5. c. 3 - - - | 265,108,000 | 0 | 0 |
| Under this Act - - - - - | 493,823,809 | 0 | 0 |
| TOTAL - - - - | 796,399,341 | 13 | 9 |

## SCHEDULE (B.)—PART 1.

SCHED. (B.) PART 1. Navy Excesses, 1919–1920.

NAVY EXCESSES, 1919–1920.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriation in Aid. | | |
| | £ | s. | d. | £ | s. | d. |
| Sum granted to make good excesses of Navy expenditure beyond the Grants, for the year ended on the 31st day of March 1920 - - | 100 | 0 | 0 | 7,054,188 | 8 | 3 |

SCHED. (B.) PART 2. Army Excesses, 1919–1920.

## SCHEDULE (B.)—PART 2.

### ARMY EXCESSES, 1919–1920.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriation in Aid. | | |
| | £ | *s.* | *d.* | £ | *s.* | *d.* |
| Sum granted to make good excesses of Army expenditure beyond the Grants, for the year ended on the 31st day of March 1920 - - - - - | 6,835,607 | 1 | 5 | 14,644,376 | 6 | 1 |

SCHED. (B.) PART 3. Air Force Excesses, 1919–1920.

## SCHEDULE (B.)—PART 3.

### AIR FORCE EXCESSES, 1919–1920.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriation in Aid. | | |
| | £ | *s.* | *d.* | £ | *s.* | *d.* |
| Sum granted to make good excesses of Air expenditure beyond the Grants, for the year ended on the 31st day of March 1920 - | 251,214 | 18 | 5 | 327,451 | 9 | 8 |

SCHED. (B.) PART 4. Civil Services Excesses, 1919–1920.

## SCHEDULE (B.)—PART 4.

### CIVIL SERVICE EXCESSES, 1919–1920.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriation in Aid. | | |
| | £ | *s.* | *d.* | £ | *s.* | *d.* |
| Sum granted to make good excesses on certain Grants, for Civil Services for the year ended on the 31st day of March 1920 - - - | 28,210 | 13 | 11 | 1,426 | 17 | 10 |

## SCHEDULE (B.)—Part 5.

Sched. (B.) Part 5. Civil Services (Supplementary), 1920–1921.

### Civil Services (Supplementary), 1920–1921.

Schedule of Supplementary Sums granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1921, viz.:—

| CIVIL SERVICES. | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| Class I. | £ | £ |
| For expenditure in respect of sundry public buildings in Great Britain, not provided for on other votes - | 485,000 | — |
| For expenditure in connection with temporary measures for the relief of distress caused by the flood at Louth | 20,000 | — |
| For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by representatives of Foreign Powers, and for the salaries and expenses of the rating of Government property department, and for a contribution towards the Expenses of the London Fire Brigade | 328,000 | 20,000 |
| For expenditure in connection with public buildings in Ireland, for the maintenance of certain parks, harbours, and public works, for the maintenance of drainage works on the River Shannon, and for sundry grants in aid - - - - - - - | 108,260 | — |
| Class II. | | |
| For the salary of a minister without portfolio and the salaries and expenses of the cabinet offices - - | 3,500 | — |
| For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments, including expenses in respect of advances under the Light Railways Act, 1896 - - - - - | 5,000 | — |
| Carried forward - £ | 949,760 | 20,000 |

SCHED. (B.) PART 5. Civil Services (Supplementary), 1920–1921.

## SCHEDULE (B.)—PART 5—*continued.*

| CIVIL SERVICES—*cont.* | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|
| | £ | £ |
| Brought forward - | 949,760 | 20,000 |
| CLASS II.—*cont.* | | |
| For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid and other expenses connected with Oversea Settlement - | 250,625 | — |
| For the salaries and expenses of the Civil Service Commission - - | 3,000 | — |
| For the salaries and expenses of the National Debt Office - - - - | 10 | 2,190 |
| For the salaries and expenses of the Office of the Commissioners of His Majesty's Works and Public Buildings - - - - - - - | 63,000 | 17,000 |
| For the salaries and expenses of the offices of the Chief Secretary in Dublin, Belfast, and London (including grants for the higher education of ex-officers, &c.); of the Irish Public Health Council; of the inspectors of lunatic asylums; expenses under the Inebriates Acts; and certain allowances for disturbance, &c. | 13,945 | — |
| CLASS III. | | |
| For the salaries of the law officers' department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary agency - - - - - - | 10 | 15,990 |
| Carried forward - £ | 1,280,350 | 55,180 |

SCHEDULE (B.)—Part 5—*continued.*

Sched. (B.) Part 5. Civil Services (Supplementary), 1920–1921.

| CIVIL SERVICES—*cont.* | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 1,280,350 | 55,180 |
| Class III.—*cont.* | | |
| For the salaries and expenses of the office of Land Registry - - - | 7,530 | — |
| For the salaries of the commissioner and assistant commissioners of the Metropolitan Police, and of the receiver for the Metropolitan Police District, war bonus to Metropolitan Police magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the inspectors of constabulary, and other grants in respect of police expenditure, including places of detention and a grant in aid of the Police Federation - - | 440,000 | — |
| For the salaries and expenses of the office of the inspector of reformatories, and for the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in England and Wales - | 15,100 | 10,000 |
| For the salaries and expenses of the Lord Advocate's Department, and other law charges, the salaries and expenses of the courts of law and justice, and of pensions appeals tribunals in Scotland - - - | 10 | 5,490 |
| For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - | 11,500 | — |
| For the salaries, allowances, and expenses of various county court officers, magistrates, and divisional commissioners in Ireland, and the expenses of revision - - - | 11,600 | — |
| Carried forward - £ | 1,766,090 | 70,670 |

SCHED. (B.) PART 5. Civil Services (Supplementary), 1920-1921.

## SCHEDULE (B.)—PART 5—*continued.*

| CIVIL SERVICES—*cont.* | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 1,766,090 | 70,670 |
| CLASS III.—*cont.* | | |
| For the expenses of the Royal Irish Constabulary - - - - - | 1,418,700 | −13,500* |
| For the expenses of the General Prisons Board in Ireland and of the establishments under their control, the registration of habitual criminals, and the maintenance of criminal lunatics confined in district lunatic asylums - - - - - - | 31,600 | −1,500* |
| For the expenses of the maintenance of criminal lunatics in the Dundrum Criminal Lunatic Asylum, Ireland - | 500 | 2,090 |
| CLASS V. | | |
| For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote, including certain special grants - - - - - | 10 | 57,990 |
| For sundry Colonial Services, including certain grants in aid - - - | 45,000 | — |
| CLASS VI. | | |
| For superannuation, compensation, compassionate, and additional allowances, and gratuities under sundry statutes, for compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury, and for the salaries of medical referees - - - - - - - | 22,700 | — |
| Carried forward - £ | 3,284,600 | 115,750 |

* Deficit.

SCHEDULE (B.)—PART 5—*continued.*

SCHED. (B.) PART 5. Civil Services (Supplementary), 1920–1921.

| CIVIL SERVICES—*cont.* | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 3,284,600 | 115,750 |
| CLASS VI.—*cont.* | | |
| For the expenses of setting up and maintaining certain organisations for supplying the necessities of life during an emergency - - - | 320,000 | — |
| UNCLASSIFIED SERVICES. | | |
| For the salaries and expenses of the Ministry of Munitions - - - | 100 | 1,999,900 |
| For the salaries and expenses of the Ministry of Shipping - - - | 100 | 21,179,900 |
| For expenditure arising from the Government control of railways in Great Britain and Ireland under the Registration of the Forces Act, 1871 | 21,000,000 | — |
| For such of the charges for war bonus, &c., as have not been otherwise provided - - - - - - - | 800,000 | — |
| For the British share of the advances to be made in respect of German coal deliveries - - - - | 100 | 599,900 |
| For claims by British, Allied, or neutral third parties against ships or cargoes condemned or detained as naval prize - - - - | 120,000 | — |
| For charges arising out of the assimilation of certain existing grades of civil servants to new grades - - | 275,000 | — |
| For grants to local authorities, &c., in the United Kingdom for assistance in carrying out approved schemes of useful work to relieve unemployment - - - - - - - - | 1,000,000 | — |
| Total Civil Services - £ | 26,799,900 | 23,895,450 |

SCHED. (B.) PART 6. Revenue Departments (Supplementary), 1920–1921.

## SCHEDULE (B.)—PART 6.

REVENUE DEPARTMENTS (SUPPLEMENTARY), 1920–1921.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1921, viz. :—

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| For the salaries and expenses of the Inland Revenue Department - - | 880,000 | — |
| For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - - - | 2,672,500 | — |
| Total Revenue Departments - | 3,552,500 | — |

SCHED. (B.) PART 7. Navy.

## SCHEDULE (B.)—PART 7.

### NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922 ; viz. :—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For wages, &c., to 148,700 officers, seamen, and boys, coastguard, and royal marines (including an additional number of 25,000) - | 18,314,000 | 76,800 |
| 2. | For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - - | 7,821,000 | 2,159,685 |
| | Carried forward - £ | 26,135,000 | 2,236,485 |

SCHED. (B.) PART 7. Navy.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - | 26,135,000 | 2,236,485 |
| 3. | For medical services, including the cost of medical establishments at home and abroad - - - | 720,500 | 12,892 |
| 4. | For civilians employed on fleet services - - - - - - | 389,000 | 5,050 |
| 5. | For educational services - - | 465,500 | 42,855 |
| 6. | For scientific services - - - | 449,000 | 84,477 |
| 7. | For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. - | 580,600 | 1,165 |
| 8. | Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - | 11,845,600 | 398,369 |
| „ | Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - | 12,083,500 | 6,050,000 |
| „ | Sect. 3. For contract work for shipbuilding, repairs, &c. - - | 5,646,200 | 40,575 |
| 9. | For naval armaments - - - | 6,926,000 | 43,317 |
| 10. | For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith (including a supplementary sum of £10,000) - - - | 5,846,600 | 60,000 |
| 11. | For various miscellaneous effective services - - - - - | 2,725,000 | 52,090 |
| 12. | For the Admiralty Office - - | 1,752,800 | 3,937 |
| 13. | For half-pay and retired pay - | 2,093,500 | 29,348 |
| 14. | For naval and marine pensions, gratuities, and compassionate allowances - - - - | 4,003,500 | 14,908 |
| 15. | For civil superannuation, compensation allowances, and gratuities | 816,700 | 401 |
| | TOTAL NAVY SERVICES - £ | 82,479,000 | 9,075,869 |

SCHED. (B.) PART 8. Army.

## SCHEDULE (B.)—PART 8.

## ARMY.

SCHEDULE of estimated gross and net expenditure in respect of ARMY SERVICES in respect of the year ending on the 31st day of March 1922; and of the sums granted, and the sums which may be applied as appropriations in aid in addition thereto, to defray the charges which will come in course of payment during that year in respect of the said services, and of the liabilities outstanding on the first day of the said year:—

| Heads. | Sums not exceeding | | |
|---|---|---|---|
| | Gross. | Receipts. | Net. |
| Head. | £ | £ | £ |
| I. Maintenance of Standing Army:— | | | |
| (*a*) Home and Abroad, excluding Middle East - - - | 41,130,400 | 560,300 | 40,570,100 |
| (*b*) Middle East - - | 19,797,000 | 17,571,500 | 2,225,500 |
| II. Territorial Army and Reserve Forces - | 9,407,000 | 11,000 | 9,396,000 |
| III. Educational, &c., Establishments and Working Expenses of Hospitals, Depôts, &c.:— | | | |
| (*a*) Home and Abroad, excluding Middle East - - - | 14,244,200 | 658,700 | 13,585,500 |
| (*b*) Middle East - - | 486,900 | 483,300 | 3,600 |
| IV. War Office, Staff of Commands, &c.:— | | | |
| (*a*) Home and Abroad, excluding Middle East - - - | 3,744,700 | 4,300 | 3,740,400 |
| (*b*) Middle East - - | 409,500 | 409,500 | — |
| V. Capital Accounts:— | | | |
| (*a*) Home and Abroad, excluding Middle East - - - | *Cr.223,100* | 3,368,000 | *Cr.3,591,100* |
| (*b*) Middle East - - | 2,364,000 | 2,814,400 | *Cr. 450,400* |
| Carried forward { | 68,303,200<br>23,057,400 | 4,602,300<br>21,278,700 | 63,700,900<br>1,778,700 |

SCHED. (B.)
PART 8.
Army.

| Heads. | Sums not exceeding | | |
|---|---|---|---|
| | Gross. | Receipts. | Net. |
| | £ | £ | £ |
| Brought forward | 68,303,200 | 4,602,300 | 63,700,900 |
| | 23,057,400 | 21,278,700 | 1,778,700 |
| VI. Terminal and Miscellaneous Charges and Receipts:— | | | |
| (*a*) Home and Abroad, excluding Middle East - - - | 14,619,350 | 5,606,100 | 9,013,250 |
| (*b*) Middle East - - | 6,419,100 | 3,903,800 | 2,515,300 |
| VII. Half Pay, Retired Pay, Pensions, and Civil Superannuation - | 7,825,500 | 1,047,800 | 6,777,700 |
| GRAND TOTAL - £ | 90,748,050 | 11,256,200 | 79,491,850 |
| | 29,476,500 | 25,182,500 | 4,294,000 |

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Estimated Cash required for Army Services in 1921–22 - - - | 82,094,000 | — |
| Estimated Receipts to be appropriated in Aid of Army Services in 1921–22 - - - - - | — | 36,821,000 |
| ARMY (ORDNANCE FACTORIES). | | |
| For the Ordnance Factories, the cost of the production of which will be charged to the Army, Navy, &c. - | 350,000 | 7,230,775 |

SCHED. (B.) PART 9. Air Force.

## SCHEDULE (B.)—PART 9.

### AIR FORCE.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR FORCE SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the pay, &c. of 40,880 of all ranks of the Air Force (including additional number of 10,000) - | 4,794,000 | 105,000 |
| 2. | For the quartering, stores (except technical), supplies, and transport of the Air Force - - | 3,105,000 | 38,000 |
| 3. | For the expense of technical and warlike stores - - - - | 3,758,000 | 300,000 |
| 4. | For the works, buildings, repairs, and lands (including civilian staff), and other charges connected therewith - - - | 3,018,000 | 30,000 |
| 5. | For the expense of the Air Ministry (including a supplementary sum of 467*l.*) - - - | 915,467 | 1,000 |
| 6. | For the miscellaneous effective services of the Air Force - - | 129,000 | 500 |
| 7. | For the expense of rewards, half-pay, retired pay, widows' pensions, and other non-effective services - - - - - - | 106,000 | 900 |
| 8. | For Civil Aviation - - - | 880,000 | 18,000 |
| 9. | For experimental and research services - - - - - | 1,706,000 | 129,000 |
| | TOTAL AIR FORCE - £ | 18,411,467 | 622,400 |

## SCHEDULE (B.)—PART 10.



### CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For expenditure in respect of royal palaces, including a grant in aid (including a supplementary sum of £23,000) - - - - - | 131,600 | 7,900 |
| 2. | For expenditure in respect of Osborne - - - - - | 19,150 | 5,110 |
| 3. | For expenditure in respect of the royal parks and pleasure gardens | 317,550 | 16,000 |
| 4. | For expenditure in respect of the Houses of Parliament buildings - | 150,900 | 350 |
| 5. | For expenditure in respect of miscellaneous legal buildings, Great Britain - - - - - - | 97,350 | 670 |
| 6. | For expenditure in respect of Art and Science buildings, Great Britain - - - - - - | 306,000 | 1,385 |
| 7. | For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad - - | 160,000 | 5,220 |
| 8. | For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad - | 2,141,450 | 5,500 |
| | Carried forward - £ | 3,324,000 | 42,135 |

SCHED. (B.) PART 10. Civil Services. Class I.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 3,324,000 | 42,135 |
| No. 9. For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health) - - - - - | 1,442,350 | 10,700 |
| 10. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - - - | 4,197,100 | 56,000 |
| 10A. For expenditure in respect of the erection of houses by the Office of Works on behalf of Local Authorities proceeding with assisted Housing Schemes approved by the Ministry of Health in accordance with the provisions of the Housing, Town Planning, &c. Act, 1919 - - - - - | 200,000 | 4,600,000 |
| 10B. For expenditure in respect of housing schemes under the management of the Office of Works - - - - - - | 143,300 | 274,800 |
| 10C. For expenditure in connection with the erection of war memorials - - - - - - - | 20,000 | — |
| 11. For the expenses of survey of the United Kingdom, and for minor services connected therewith - | 335,346 | 99,050 |
| 12. For the expenses of constructing a new harbour of refuge at Peterhead - - - - - - | 32,000 | — |
| Carried forward - £ | 9,694,096 | 5,082,685 |

SCHED. (B.) PART 10. Civil Services. Class I.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - - | 9,694,096 | 5,082,685 |
| No. 13. For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade - - | 2,475,000 | 111,241 |
| 14. For expenditure in respect of public buildings in Ireland, for the maintenance of certain parks and public works, and for the maintenance of drainage works on the River Shannon, and sundry grants in aid - - - - - | 712,605 | 32,230 |
| 15. For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Railways (Ireland) Act, 1896, the Marine Works (Ireland) Act, 1902, and for other purposes connected with Irish railways - | 58,742 | — |
| TOTAL CIVIL SERVICES, CLASS I. £ | 12,940,443 | 5,226,156 |

SCHED. (B.) PART 11. Civil Services. Class II.

## SCHEDULE (B.)—PART 11.

### CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the salaries and expenses of the offices of the House of Lords | 70,946 | 2,000 |
| 2. | For the salaries and expenses of the House of Commons (including a supplementary sum of 1,600*l.*) | 379,320 | 13,500 |
| 3. | For the salary of a Minister without Portfolio, and the salaries and expenses of the Cabinet Offices and of the Committee of Imperial Defence, including the cost of preparation of War Histories (including a supplementary sum of 3,550*l.*) - - - - - | 65,089 | — |
| 4. | For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - - | 385,388 | 10,850 |
| 5. | For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices | 471,446 | 40,870 |
| 6. | For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs, including the News Department - - - - - | 212,520 | 126,350 |
| 7. | For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including grants in aid and other expenses connected with Oversea Settlement - - - - - | 854,104 | — |
| | Carried forward - £ | 2,438,813 | 193,570 |

SCHED. (B.) PART II. Civil Services. Class II.

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| | Brought forward - | 2,438,813 | 193,570 |
| 8. | For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid | 206,500 | — |
| 9. | For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - | 18,770 | 4,000 |
| 10. | For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War, and grants in aid (including a supplementary sum of 928,715*l.*) - - - - - | 2,494,938 | 498,884 |
| 11. | For the salaries and expenses of the Department of Overseas Trade - - - - - - | 488,946 | 198,643 |
| 12. | For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities - - - | 506,863 | 160,735 |
| 13. | For meeting the deficiency of income from fees, &c., for the requirements of the Board of Trade, under the Bankruptcy Act, 1914 | 34,914 | 108,000 |
| 14. | For the salaries and expenses of the Mines Department of the Board of Trade - - - - | 211,910 | 3,595 |
| | Carried forward - £ | 6,401,654 | 1,167,427 |

SCHED. (B.) PART II. Civil Services. Class II.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 6,401,654 | 1,167,427 |
| No. | | |
| 15. For the salaries and expenses of the Ministry of Agriculture and Fisheries, including grants for Agricultural Education and Training, a grant in aid of the Small Holdings Account, and certain other grants in aid; of the Agricultural Wages Board, and of the Royal Botanic Gardens, Kew - | 3,211,605 | 319,942 |
| 16. For a grant in aid of the Forestry Fund - - - - - | 200,000 | — |
| 17. For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, certain repayable advances under the Electricity (Supply) Act, 1919, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, and advances to Caledonian and Crinan Canals - | 453,502 | 58,224 |
| 18. For the salaries and expenses of the Charity Commission for England and Wales - - - - | 56,647 | — |
| 19. For the salaries and expenses of the Department of the Government Chemist - - - - | 57,104 | — |
| 20. For the salaries and expenses of the Civil Service Commission - | 88,492 | — |
| 21. For the salaries and expenses of the Civil Service Arbitration Board - - - - - | 2,524 | — |
| 22. For the salaries and expenses of the department of the Comptroller and Auditor General - | 182,220 | 3,222 |
| 23. For the salaries and expenses of the Registry of Friendly Societies | 56,075 | 2,500 |
| Carried forward - £ | 10,709,823 | 1,551,315 |

SCHED. (B.) PART II. Civil Services. Class II.

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| | Brought forward - - | 10,709,823 | 1,551,315 |
| 24. | For the salaries and expenses of the department of the Government Actuary - - - - - | 49,478 | — |
| 25. | For the salaries and expenses of the Board of Control (Lunacy and Mental Deficiency), England - | 511,564 | 7,406 |
| 26. | For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - - | 10 | 383,150 |
| 27. | For the salaries and expenses of the National Debt Office - - | 28,088 | 8,934 |
| 28. | For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - | 47,317 | — |
| 29. | For the salaries and expenses of the establishment under the Public Works Loan Commissioners - | 10 | 27,596 |
| 30. | For the salaries and expenses of the department of the Registrar General of Births, &c., including the expense of the Census of England and Wales, 1921 - - | 401,330 | 22,000 |
| 31. | For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates - | 4,187,444 | 900,000 |
| 32. | For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues, including bonus to Commissioner - - - - - - | 42,022 | — |
| | Carried forward - £ | 15,977,086 | 2,900,401 |

SCHED. (B.) PART II. Civil Services. Class II.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - - | 15,977,086 | 2,900,401 |
| 33. | For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - | 582,900 | 150,000 |
| 33A. | For the salaries and expenses of the office of the Lord Privy Seal | 7,000 | — |
| 34. | For His Majesty's foreign and other secret services - - - - - | 300,000 | — |
| 35. | For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899, and a subsidy for steamer services to the Hebrides | 66,481 | 3,677 |
| 36. | For the salaries and expenses of the Board of Agriculture for Scotland, including grants for agricultural education and training, certain grants in aid and certain services arising out of the war - - - - - - | 452,064 | 35,076 |
| 37. | For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays - - - - - - | 62,451 | 68,041 |
| 38. | For the salaries and expenses of the General Board of Control for Scotland - - - - - | 71,733 | 550 |
| 39. | For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland, including the expenses of the Census of Scotland, 1921 - | 85,758 | 1,200 |
| | Carried forward - £ | 17,605,473 | 3,158,945 |

SCHED. (B.) PART II. Civil Services. Class II.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - - | 17,605,473 | 3,158,945 |
| 40. | For the salaries and expenses of the household of the Lord Lieutenant of Ireland - - | 5,063 | — |
| 41. | For the salaries and expenses of the offices of the Chief Secretary in Dublin, Belfast, and London, of the Irish Public Health Council and of the Inspectors of Lunatic Asylums, expenses under the Inebriates Acts, and certain allowances for disturbance, &c. - - | 89,120 | 291 |
| 42. | For the salaries and expenses of the department of agriculture and other industries, and technical instruction for Ireland, and of the services administered by that department, including sundry grants in aid and the expenses of the Agricultural Wages Board for Ireland and certain special services in connection with food production, and certain services arising out of the war - - | 607,973 | 91,721 |
| 43. | For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - - - | 3,913 | 48 |
| 44. | For Grants administered by the Congested Districts Board for Ireland, including grants in aid - | 169,750 | 4,500 |
| 45. | For the salaries and expenses of the Public Record Office in Ireland, and of the Keeper of State Papers in Dublin - - - | 14,869 | — |
| 46. | For the salaries and expenses of the Office of Public Works in Ireland - - - - - - | 104,628 | 1,000 |
| | Carried forward - £ | 18,600,789 | 3,256,505 |

SCHED. (B.) PART II. Civil Services. Class II.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 18,600,789 | 3,256,505 |
| No. 47. For the salaries and expenses of the department of the Registrar General of Births, &c., including bonus to the Registrar General, and the expenses of the Census of Ireland, 1921, and for the expenses of collecting emigration statistics in Ireland - - | 104,115 | 1,200 |
| 48. For the salaries and expenses of the general valuation and boundary survey of Ireland, under the Acts 15 and 16 Vict. c. 63, 17 Vict. c. 8, 17 Vict. c. 17, 20 and 21 Vict. c. 45, 22 and 23 Vict. c. 8, 23 Vict. c. 4, 27 and 28 Vict. c. 52, and 37 and 38 Vict. c. 70, including estate duty valuation under the Finance (1909–10) Act, 1910 - | 69,325 | 9,000 |
| TOTAL CIVIL SERVICES, CLASS II. - £ | 18,774,229 | 3,266,705 |

## SCHEDULE (B.)—PART 12.

SCHED. (B.) PART 12. Civil Services. Class III.

### CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - - - | 308,800 | 45,000 |
| 2. | For certain miscellaneous legal expenses, for the salaries and expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, for the salaries and expenses of the War Compensation Court under the Indemnity Act, 1920, and for grants in aid of the expenses of the Incorporated Law Societies of England and Ireland - - | 64,463 | — |
| 3. | For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and the salaries and expenses of Pensions Appeals Tribunals - | 604,685 | 62,050 |
| | Carried forward - £ | 977,948 | 107,050 |

SCHED. (B.) PART 12. Civil Services. Class III.

| No. | | Sums not exceeding: Supply Grants. | Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - | 977,948 | 107,050 |
| 4. | For the salaries and expenses of the office of Land Registry - | 132,684 | — |
| 5. | For the salaries and expenses of the office of Public Trustee - | 10 | 425,016 |
| 6. | For the salaries and expenses connected with the County Courts including bonus to County Court Judges - - - - - | 378,636 | 300,000 |
| 7. | For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the Inspectors of Constabulary, and other Grants in respect of Police Expenditure, including places of detention and a grant in aid of the Police Federation - - | 6,741,474 | 105 |
| 8. | For the expenses of the prisons in England and Wales, including a grant in aid of certain expenses connected with Discharged Prisoners - - - - - | 1,577,254 | 22,500 |
| 9. | For the salaries and expenses of the office of the Inspector of Reformatories and for the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, in auxiliary homes in England and Wales, and whilst under supervision - - - - | 597,586 | 48,660 |
| | Carried forward - £ | 10,405,592 | 903,331 |

SCHED. (B.) PART 12. Civil Services. Class III.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - | 10,405,592 | 903,331 |
| 10. | For the expense of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum - | 80,750 | 6,075 |
| 11. | For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - - - - - - | 190,008 | 75,000 |
| 12. | For the salaries and expenses of the office of the Scottish Land Court, including a bonus to the chairman and members of the Court - - - - - - | 16,480 | — |
| 13. | For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - - - | 91,485 | — |
| 14. | For grants in respect of Police Expenditure and for a grant in aid of the Police Federation in Scotland - - - - - - | 855,200 | — |
| 15. | For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics, and including a grant in aid of certain expenses connected with discharged prisoners - - - - - - | 238,957 | 7,900 |
| | Carried forward - £ | 11,878,472 | 992,306 |

SCHED. (B.) PART 12. Civil Services. Class III.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 11,878,472 | 992,306 |
| No. 16. For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - - - | 140,915 | 7,000 |
| 17. For the expenses of criminal prosecutions and other law charges in Ireland, including a Grant in relief of certain expenses payable by statute out of local rates - | 79,115 | 500 |
| 18. For such of the salaries and expenses of the Supreme Court of Judicature, of the Registry of Deeds, and of Pensions Appeals Tribunals in Ireland as are not charged on the Consolidated Fund | 220,006 | 2,325 |
| 19. For the salaries and expenses of the office of the Irish Land Commission - - - - - - | 1,256,090 | 55,500 |
| 20. For the salaries, allowances, and expenses of various county court officers, and of magistrates and divisional commissioners in Ireland, bonus to chairman of quarter sessions and recorders and to clerks of the Crown and Peace, and expenses of revision - | 210,650 | 4,380 |
| 21. For the salaries and expenses of the Commissioner of Police, the police courts and the metropolitan police establishment of Dublin - - | 337,594 | 61,993 |
| Carried forward - £ | 14,122,842 | 1,124,004 |

SCHED. (B.) PART 12. Civil Services. Class III.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 14,122,842 | 1,124,004 |
| No. 22. For the expenses of the Royal Irish Constabulary - - - | 7,045,039 | 234,245 |
| 23. For the expenses of the General Prisons Board in Ireland, and of the establishments under their control; the registration of habitual criminals and the maintenance of criminal lunatics confined in district lunatic asylums - - | 276,834 | 2,000 |
| 24. For the expenses of reformatory and industrial schools, including places of detention, in Ireland - | 132,561 | 3,300 |
| 25. For the maintenance of criminal lunatics in the Dundrum Criminal Lunatic Asylum, Ireland - - | 22,185 | 2,478 |
| TOTAL CIVIL SERVICES, CLASS III. £ | 21,599,461 | 1,366,027 |

SCHED. (B.) PART 13. CivilServices. Class IV.

## SCHEDULE (B.)—PART 13.

### CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - | 51,014,665 | 9,525 |
| 2. | For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - - | 375,085 | 15,225 |
| 3. | For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - | 39,627 | 7,850 |
| 4. | For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - | 10,844 | 715 |
| 5. | For the salaries and expenses of the Wallace Collection - - - | 15,612 | 2,550 |
| 6. | For the salaries and expenses in respect of the London Museum, Lancaster House - - - | 5,882 | 375 |
| 7. | For the salaries and expenses of the Imperial War Museum, including a grant in aid of purchases - | 37,170 | 2,000 |
| | Carried forward - £ | 51,498,885 | 38,240 |

SCHED. (B.) PART 13. Civil Services. Class IV.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - | 51,498,885 | 38,240 |
| 8. | For sundry grants in aid of scientific investigation, &c., and other grants - - - - - - | 216,931 | — |
| 9. | For the salaries and expenses of the Department of Scientific and Industrial Research, including a grant in aid, the Fuel Research Station, the Geological Museum, including a grant in aid, the Geological Survey of Great Britain, and the National Physical Laboratory - - - | 416,023 | 146,862 |
| 10. | For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in the United Kingdom, and of the expenses under the Welsh Intermediate Education Act, 1889 - | 1,446,200 | — |
| 10A. | For special grants in aid of certain Universities, Colleges, Medical Schools, &c., to assist them to provide retrospective benefit under the federated superannuation system for universities - | 500,000 | — |
| 10B. | For a grant in aid of the Serbian Relief Fund - - - - - | 9,375 | — |
| 11. | For public education in Scotland, and for Science and Art in Scotland, including a grant in aid - | 7,624,904 | — |
| 12. | For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - - | 13,425 | — |
| | Carried forward - £ | 61,725,743 | 185,102 |

SCHED. (B.) PART 13. Civil Services. Class IV.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 61,725,743 | 185,102 |
| No. | | |
| 13. For the expenses of the Commissioners of National Education in Ireland, including grants in aid of the Teachers Pension Fund, Ireland - - - - - - | 4,738,239 | 700 |
| 14. For intermediate education in Ireland, including the Teachers' Salaries Grant - - - - - | 140,000 | 120 |
| 15. For the salary of the secretary, including bonus and the expenses of the office of the Commissioners for managing certain school endowments in Ireland - - | 1,222 | — |
| 16. For the salaries and expenses of the National Gallery of Ireland - | 5,145 | — |
| 17. For the salaries and expenses of the Institutions of Science and Art in Dublin, and of the Geological Survey of Ireland, and Annual Grants to Schools and Classes of Science and Art and Technical Instruction, including sundry Grants in Aid, administered by the Department of Agriculture and Technical Instruction for Ireland - - - | 224,400 | 5,000 |
| 18. For grants under the Irish Universities Act, 1908, and for grants for the higher education of ex-officers, &c., including the cost of administration - - - | 203,546 | — |
| TOTAL CIVIL SERVICES, CLASS IV. - - - - - £ | 67,038,295 | 190,922 |

## SCHEDULE (B.)—PART 14.



### CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote - - - - - - - | 2,118,187 | 617,300 |
| 2. | For sundry colonial services, including certain grants in aid (including a supplementary sum of 150,000*l.*) - - - - - | 2,067,027 | — |
| 3. | For salaries and expenses in connection with Middle Eastern services under His Majesty's Secretary of State for the Colonies including a Grant-in-aid (including a supplementary sum of 27,197,000*l.*) - - - - - | 27,217,000 | — |
| 4. | For subsidies to certain Telegraph Companies - - - - - | 11,925 | — |
| 5. | For a grant in aid of the expenses of the League of Nations and for other expenses in connection therewith - - - - - - | 77,000 | — |
| | TOTAL CIVIL SERVICES, CLASS V. - - - - £ | 31,491,139 | 617,300 |

SCHED. (B.) PART 15. Civil Services. Class VI.

## SCHEDULE (B.)—PART 15.

### CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For superannuation, compensation, compassionate, and additional allowances, and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury; and for the salaries of medical referees - | 1,152,664 | — |
| 2. | For Old Age Pensions in the United Kingdom, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - - - | 26,150,000 | 5,000 |
| 3. | For the salaries and expenses of Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916 - | 111,556,666 | 1,000 |
| 4. | For War pensions and allowances to merchant seamen and fishermen and their dependents, and the administrative expenses connected therewith - - - | 595,485 | — |
| 5. | For certain miscellaneous expenses, including certain grants in aid and bonus on certain statutory salaries - - - - - | 29,192 | 12,650 |
| | Carried forward - £ | 139,484,007 | 18,650 |

SCHED. (B.) PART 15. Civil Services. Class VI.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 139,484,007 | 18,650 |
| No. 6. For charges connected with hospitals and infirmaries and certain miscellaneous charitable and other allowances in Ireland, including sundry grants in aid - | 16,738 | — |
| 7. For the salaries and other expenses of Temporary Commissions, Committees, and Special Inquiries - | 50,000 | — |
| 8. For the salaries and expenses of National Savings Committee - | 101,662 | — |
| 9. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 10th May 1917 - - - - | 605,400 | — |
| 10. For making good certain sums written off from the assets of the Local Loans Fund - - - | 1,669 | — |
| 11. For the Ireland Development Grant (Grant in Aid) and for other purposes of development and reconstruction in Ireland - - - | 435,000 | — |
| 12. For expenses under the Representation of the People Act, 1918 - | 450,000 | — |
| Carried forward - £ | 141,144,476 | 18,650 |

SCHED. (B.) PART 15. Civil Services. Class VI.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 141,144,476 | 18,650 |
| No. 13. For the expenses of setting up and maintaining certain organisations for supplying the necessities of life during an emergency, for the purchase and importation of coal, and for a loan to the South Staffs Mines Drainage Commission (including a supplementary sum of 7,535,700*l.*) - - - - - | 7,585,700 | — |
| 14. For a grant in aid of the Royal Patriotic Fund - - - - - | 75,525 | — |
| 15. For a grant in aid of agricultural development - - - - - | 1,000,000 | — |
| 16. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - | 89,758 | — |
| 17. For a grant in aid of the Mission of His Royal Highness the Prince of Wales to India and the Far East - - - - - - - | 25,000 | — |
| TOTAL CIVIL SERVICES. CLASS VI. £ | 149,920,459 | 18,650 |

## SCHEDULE (B.)—Part 16.



### CIVIL SERVICES.—Class VII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding | |
|---|---|---|---|
| | | Supply Grants. | Appropriations in Aid. |
| | | £ | £ |
| 1. | For the salaries and expenses of the National Health Insurance Joint Committee, including sundry grants in aid - - - | 500,500 | — |
| 2. | For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1920, certain grants in aid, and certain special services arising out of the war - - - - - | 24,245,098 | 5,132,700 |
| 3. | For the salaries and expenses of the Scottish Board of Health, including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1920, certain grants in aid, and certain special services arising out of the war - - | 3,375,999 | 1,054,150 |
| | Carried forward - £ | 28,121,597 | 6,186,850 |

SCHED. (B.) PART 16. Civil Services. Class VII.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 28,121,597 | 6,186,850 |
| No. | | |
| 4. For the salaries and expenses of the Local Government Board, Ireland, including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry grants in aid, and the cost of certain services arising out of the war - - | 2,262,334 | 195,500 |
| 5. For the salaries and expenses of the Insurance Commission (Ireland), and for sundry contributions and grants in respect of the cost of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1920 (including certain grants in aid) - - - - - | 618,785 | — |
| 6. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the contributions to the Unemployment Insurance Fund, and to special schemes under the Unemployment Acts, 1920 and 1921, payments to associations under section 17 of the Unemployment Insurance Act, 1920, and section 106 of the National Insurance Act, 1911, Out-of-Work Donation and expenditure in connection with the training of demobilised officers and non-commissioned officers and men, and the training of women; and grants for resettlement in civil life, also the expenses of the Industrial Court (including a supplementary sum of 1,620,000*l.*) | 19,945,405 | 3,799,700 |
| Carried forward - £ | 50,948,121 | 10,182,050 |

SCHED. (B.) PART 16. Civil Services. Class VII.

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| | Brought forward - | 50,948,121 | 10,182,050 |
| 7. | For the salaries and expenses of the audit staff under the National Insurance Act, 1911 - - - | 217,270 | 1,450 |
| 8. | For making good the deficiency on the Income Account of the Fund for Friendly Societies - | 6,802 | — |
| 9. | For special grants to Voluntary Hospitals to assist in meeting deficiencies in income - - | 500,000 | — |
| | TOTAL CIVIL SERVICES, CLASS VII. - £ | 51,672,193 | 10,183,500 |

## SCHEDULE (B.)—PART 17.

SCHED. (B.) PART 17. Unclassified Services.

### UNCLASSIFIED SERVICES.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| 1. | For the salaries and expenses of the Disposal and Liquidation Commission - - - - | 7,600,000 | 1,033,000 |
| 2. | For the salaries and expenses in connection with Shipping Liquidation - - - - | 5,445,600 | 8,390,000 |
| | Carried forward - £ | 13,045,600 | 9,423,000 |

SCHED. (B.) PART 17. Unclassified Services.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - | 13,045,600 | 9,423,000 |
| No. | | |
| 3. For the salaries and expenses of the Central Control Board (Liquor Traffic), including the cost of acquisition and direct control of licensed premises and businesses and the provision of canteens - - - - - - | 172,540 | — |
| 4. For loans to the Governments of Allied Countries, and for loans and grants for purposes of reconstruction and relief - - | 5,000,000 | — |
| 5. For expenditure arising from the Government control of railways and canals in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16, and Defence of the Realm (Consolidation) Regulations, 9 H (including a supplementary sum of 45,000,000*l.*) - - - - - | 75,220,000 | 780,000 |
| 6. For expenses connected with the Treasury Securities Deposit Scheme - - - - - - | 889,137 | — |
| 7. For ex gratia grants in respect of losses and injuries sustained in the rebellion in Ireland in 1916 - | 161,000 | — |
| 8. For the cost of certain miscellaneous war services (including a supplementary sum of 1,146,899*l.*) | 1,846,899 | — |
| 9. To provide for the deficiency arising under the Coal Mines Control Agreement (Confirmation) Act, 1918, and for advances under section 7 (5) of the Coal Mines Emergency Act, 1920 - | 3,000,000 | — |
| Carried forward - £ | 99,335,176 | 10,203,000 |

SCHED. (B.) PART 17. Unclassified Services.

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 99,335,176 | 10,203,000 |
| No. | | |
| 10. To provide for advances in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom or guarantees in connection therewith - - - - - | 5,000,000 | — |
| 11. To meet claims by British, Allied, or Neutral Third Parties against ships or cargoes condemned or detained as naval prize - - | 60,000 | — |
| 12. For road grants to relieve unemployment - - - - - | 4,500,000 | 200,000 |
| 13. For grants to local authorities, &c., in the United Kingdom for assistance in carrying out approved schemes of useful work to relieve unemployment - - | 2,000,000 | — |
| 14. For expenditure arising out of the guarantee to growers of home-grown wheat of fixed prices for the 1920 crop used for milling into flour - - - - - | 10 | 2,187,490 |
| 15. For a subvention in aid of wages in the coal mining industry - | 10,000,000 | — |
| 16. For expenses arising out of the guarantee of minimum prices for wheat and oats produced in England and Wales - - - | 15,000,000 | — |
| 17. For expenses arising out of the guarantee of minimum prices for wheat and oats produced in Scotland - - - - - | 4,400,000 | — |
| TOTAL - - - £ | 140,295,186 | 12,590,490 |

SCHED. (B.) PART 18. Revenue Departments, &c.

## SCHEDULE (B.)—PART 18.

### REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1922; viz.:—

| No. | | Sums not exceeding: Supply Grants. | Sums not exceeding: Appropriations in Aid. |
|---|---|---|---|
| | | £ | £ |
| 1. | For the salaries and expenses of the Customs and Excise Department - - - - - - | 6,675,900 | 170,600 |
| 2. | For the salaries and expenses of the Inland Revenue Department | 8,024,750 | 15,000 |
| 3. | For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - | 67,165,287 | 1,285,505 |
| | TOTAL REVENUE DEPARTMENTS - £ | 81,865,937 | 1,471,105 |

SCHED. (C.) Navy Services. Section 5.

## SCHEDULE (C.)

| Number of Vote. | NAVY SERVICES, 1919-20. VOTES. | Surpluses. £ | s. | d. | Deficits made good from Surpluses. £ | s. | d. |
|---|---|---|---|---|---|---|---|
| 1 | Wages, &c., of Officers, Seamen, and Boys, Coastguard, Royal Marines, Women's Royal Naval Service, and Mercantile Officers and Men - - | 696,493 | 19 | 10 | — | | |
| 2 | Victualling and clothing for the Navy - - - | 722,893 | 13 | 0 | — | | |
| 3 | Medical establishments and services - - - | — | | | 83,845 | 17 | 7 |
| | Carried forward - - | 1,419,387 | 12 | 10 | 83,845 | 17 | 7 |

SCHED. (C.)
Navy Services.
Section 5.

## SCHEDULE C.—*continued.*

| Number of Vote. | NAVY SERVICES, 1919-20. VOTES. | Surpluses. | Deficits made good from Surpluses. |
|---|---|---|---|
| | | £ s. d. | £ s. d. |
| | Brought forward - | 1,419,387 12 10 | 83,845 17 7 |
| 4 | Civilians employed on Fleet Services - - - - | — | 60,777 18 1 |
| 5 | Educational Services - | 31,635 18 2 | — |
| 6 | Scientific Services - - | — | 5,831 19 2 |
| 7 | Royal Naval Reserves - | 955 16 4 | — |
| 8 | Shipbuilding, Repairs, Maintenance, &c.: | | |
| | I. Personnel - - | — | 63,176 16 10 |
| | II. Matériel - - | 5,202,686 7 0 | — |
| | III. Contract Work - | — | 1,127,533 8 1 |
| 9 | Naval Armaments and Aviation - - - - | 550,265 7 8 | — |
| 10 | Works, buildings, and repairs, at Home and Abroad - - - - | — | 37,898 4 8 |
| 11 | Miscellaneous Effective Services - - - | — | 2,629,631 8 5 |
| 12 | Admiralty Office - - | — | 36,715 0 10 |
| 13 | Half Pay and Retired Pay - | 119,662 14 8 | — |
| 14 | Naval and Marine Pensions, Gratuities and Compassionate Allowances - | 228,935 17 3 | — |
| 15 | Civil Superannuation, Compensation Allowances, and Gratuities - | — | 2,478 18 5 |
| — | Amount written off as irrecoverable - - | — | 60,874 7 9 |
| | Total - - - - - | 7,553,529 13 11 | 4,108,763 19 10 |
| | Add Excess Vote - | 100 0 0 | — |
| | | 7,553,629 13 11 | 4,108,763 19 10 |
| | Net Surplus - | - - £3,444,865 14 1 | |

SCHED. (C.)
Air Services.
Section 5.

## SCHEDULE (C.)—*continued.*

| Number of Vote. | AIR SERVICES, 1919–20. VOTES. | Surpluses. | | | Deficits made good from Surpluses. | | |
|---|---|---|---|---|---|---|---|
| | | £ | *s.* | *d.* | £ | *s.* | *d.* |
| 1 | Pay, &c., of the Air Force - | — | | | 83,826 | 16 | 11 |
| 2 | Quartering, Stores (except Technical), Supplies, Animals, and Transport | — | | | 617,978 | 5 | 9 |
| 3 | Technical and Warlike Stores - - - - | — | | | 586,254 | 9 | 4 |
| 4 | Works, buildings, and lands - - - - | 1,190,743 | 8 | 1 | — | | |
| 5 | Air Ministry - - - | — | | | 14,671 | 6 | 3 |
| 6 | Miscellaneous Effective Services - - - | 18,850 | 10 | 3 | — | | |
| 7 | Half-Pay, Pensions, and other Non-Effective Services - | — | | | 25,270 | 5 | 11 |
| – | Balances irrecoverable and Claims abandoned - | — | | | 132,807 | 12 | 7 |
| | Total - - - - - | 1,209,593 | 18 | 4 | 1,460,808 | 16 | 9 |
| | Net Deficit - - - | £251,214 18 5 | | | | | |

## CHAPTER 47.

An Act to impose duties of customs on certain goods with a view to the safeguarding of certain special industries and the safeguarding of employment in industries in the United Kingdom against the effects of the depreciation of foreign currencies, and the disposal of imported goods at prices below the cost of production, and for purposes connected therewith.

[19th August 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, with a view

to the safeguarding of certain special industries and the safeguarding of employment in the United Kingdom against the effects of the depreciation of foreign currencies and the disposal of imported goods at prices below the cost of production, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.

### *Safeguarding of Key Industries.*

Charge of customs duties on goods in Schedule.

**1.**—(1) Subject to the provisions of this Act, there shall be charged, levied, and paid on the goods specified in the Schedule to this Act, on the importation thereof into the United Kingdom, duties of customs equal to one-third of the value of the goods.

(2) Where any other duties of customs, not being duties chargeable under Part II. of this Act, are chargeable in respect of any goods chargeable with duty under this section, duty under this section shall not be charged except in so far as the amount thereof exceeds the amount of those other duties.

(3) No duty shall be charged under this section on goods which are shown to the satisfaction of the Commissioners to have been consigned from and grown, produced or manufactured in the British Empire, and for the purposes of this subsection goods shall be deemed to have been manufactured in the British Empire which would be treated as having been so manufactured for the purposes of section eight of the Finance Act, 1919, (which relates to Imperial preference), and that section shall apply accordingly. 9 & 10 Geo. 5. c. 32.

(4) Where an imported article is a compound article of which an article liable to duty under this section is an ingredient or forms part, no duty shall be charged under this section in respect of the compound article if the compound is of such a nature that the article liable to duty has lost its identity, and any dispute as to whether an article has lost its identity shall be determined in like

manner as disputes as to whether goods are goods specified in the Schedule to this Act.

(5) For the purpose of preventing disputes arising as to whether any goods are or are not any goods chargeable with duty under this Part of this Act, the Board may from time to time issue lists defining the articles which are to be taken as falling under any of the general descriptions set out in the said Schedule, and where any list is so issued defining the articles which are to be taken as falling under any such general description, the said Schedule shall have effect as if the articles comprised in the list were therein substituted for that general description.

Every list issued under this section shall be published forthwith in the London, Edinburgh, and Dublin Gazettes, and in such other manner as the Board think proper.

If within three months after the publication of any such list any person appearing to the Board to be interested delivers to the Board a written notice complaining that any article has been improperly included in, or excluded from, the list, the Board shall refer the complaint to the arbitration of a referee, to be appointed by the Lord Chancellor, who shall not be an official of any Government department, and the decision of the referee shall be final and conclusive, and the list shall be amended so far as is necessary in order to give effect to the decision, without prejudice, however, to the validity of anything previously done thereunder.

## PART II.

### *Prevention of Dumping.*

Power of Board of Trade to apply Part II. to certain goods.

**2.**—(1) If, on complaint being made to the Board to that effect, it appears to the Board that goods of any class or description (other than articles of food or drink) manufactured in a country outside the United Kingdom are being sold or offered for sale in the United Kingdom—

(*a*) at prices below the cost of production thereof as hereinafter defined; or

(*b*) at prices which, by reason of depreciation in the value in relation to sterling of the currency of the country in which the goods are manufactured, not being a country within His Majesty's Dominions, are below the prices at

which similar goods can be profitably manufactured in the United Kingdom;

and that by reason thereof employment in any industry in the United Kingdom is being or is likely to be seriously affected, the Board may refer the matter for inquiry to a committee constituted for the purposes of this Part of this Act:

Provided that the Board shall not so refer any matter involving a question of depreciation of currency unless they are satisfied that the value of the currency of the country in question in relation to sterling is less by thirty-three and one-third per cent., or upwards, than the par value of exchange.

(2) The Board, on referring any such matter to a committee, shall direct that the committee shall report also on the effect which the imposition of a duty under this Part of this Act on goods of any particular class or description would exert on employment in any other industry being an industry using goods of that class or description as material.

(3) If the committee report that as respects goods of any class or description manufactured in any country the conditions specified in subsection (1) are fulfilled the Board may, after taking into consideration the report, if any, made under subsection (2) by order apply this Part of this Act to goods of that class or description if manufactured in that country:

Provided that—

(*a*) no order shall be made under this section applying this Part of this Act to goods of any class or description unless the committee to whom the matter has been referred under this section have reported that in their opinion production in the industry manufacturing similar goods in the United Kingdom is being carried on with reasonable efficiency and economy; and

(*b*) no such order shall be made which is at variance with any treaty, convention or engagement with any foreign state in force for the time being.

(4) If at the time when it is proposed to make any such orders the Commons House of Parliament is sitting

or is separated by such an adjournment or prorogation as will expire within one month, the drafts of the proposed orders shall be laid before that House and the orders shall not be made unless and until a resolution is passed by that House approving of the drafts either without modification or subject to such modifications as may be specified in the resolution, and upon such approval being given the orders may be made in the form in which the drafts have been approved.

In any other case an order may be made forthwith, but all orders so made shall be laid before the Commons House of Parliament as soon as may be after its next meeting, and shall not continue in force for more than one month after such meeting unless a resolution is passed by that House declaring that the orders shall continue in force, either without modification or subject to such modifications as may be specified in the resolution; and, if any modifications are so made as respects any order, the order shall thenceforth have effect subject to such modification, but without prejudice to the validity of anything previously done thereunder.

Any order approved or continued under this subsection shall have effect as if enacted in this Act.

Charge of customs duties on goods to which Part II. applies.

**3.**—(1) Subject to the provisions of this Part of this Act, there shall be charged, levied and paid on goods of any class or description in respect of which an order has been made under this Part of this Act, if manufactured in any of the countries specified in the order, on the importation thereof into the United Kingdom, in addition to any other duties of customs chargeable thereon, duties of customs equal to one-third of the value of the goods.

(2) Where goods are manufactured partly in one country and partly in another, or undergo different processes in different countries, and any one or more of those countries are countries in relation to which an order applying to the goods in question has been made under this Part of this Act, the goods shall be liable to duty under this Part of this Act unless it is proved to the satisfaction of the Commissioners that twenty-five per cent. or more of the value of the goods at the time of export to the United Kingdom is attributable to processes of manufacture undergone since the goods last left any

country in relation to which such an order has been made.

(3) An order under this Part of this Act may extend to goods brought back into the United Kingdom after having been exported therefrom for the purpose of undergoing any process out of the United Kingdom, and in such case the goods shall be deemed for the purposes of this Part of this Act to have been manufactured in the country in which they have undergone such process, but the importer shall, on proof to the satisfaction of the Commissioners of the value of the goods at the time of such exportation, and of the identity thereof, and that no drawback has been allowed thereon on the exportation thereof, be entitled to be repaid by the Commissioners such proportion of the duty paid under this Part of this Act on the goods so brought back after having undergone such process as aforesaid as represents one third of the value of the goods before exportation and of freight and insurance outwards.

Remission and repayment of duty in certain cases.

**4.** Where an order has been made under this Part of this Act applying this Part of this Act to goods of any class or description on the ground that goods of that class or description are being sold or offered for sale in the United Kingdom at prices below the cost of production thereof, the following provisions shall have effect:—

(1) If any person by whom any duty would be payable proves to the satisfaction of the Commissioners that the goods in respect of which the duty is payable, have already been sold in the United Kingdom at a price which was not less than the cost of production the payment of duty shall be remitted.

(2) If any person by whom any duty has been paid proves to the satisfaction of the Commissioners that the goods were on the first sale thereof within the United Kingdom sold at a price which was not less than the cost of production of the goods, or where he shows that there has been a change in the market conditions of the country of manufacture, not less than the amount which would on the date of sale have been the cost of production in that country of similar goods, he shall be entitled to repayment of the duty so paid.

(3) No such remission or repayment of duty shall be made, unless and until there is produced to the Commissioners a declaration in the prescribed form made by the consignor of the goods stating the cost of production, at the date of the declaration, of the goods, and the country of manufacture of the goods, certified by a British consular officer, or by some other person duly authorised by the Board to give certificates for the purposes of this Part of this Act, to be to the best of his knowledge and belief a true declaration.

For the purpose of any claim to remission or repayment of duty under this section, the declaration by the consignor, duly certified by a British consular officer or other person as aforesaid, shall, unless proved to have been obtained by fraud, be conclusive evidence of the amount of the cost of production of the goods to which the declaration relates.

A certificate under this section shall be in such form and be subject to such conditions as to period of validity and otherwise as the Board may direct.

(4) Where goods which have been charged with duty are, without being sold, used in the United Kingdom for any purpose, they shall, for the purposes of this section, be deemed on being so used to have been sold, and in such a case the sale price shall, for the purposes aforesaid, be taken to be an amount representing the price at which the goods were actually purchased from the exporter, together with freight and insurance and the amount of any import duty, other than the duty under this Part of this Act, which may have been paid in respect of the goods.

Power to require proof of origin of goods.

**5.** It shall be lawful for the Commissioners, in the case of any goods which if manufactured in a particular country would be liable to duty under this Part of this Act, to require the importer to furnish to the Commissioners proof in the prescribed form with respect to the country of manufacture of the goods, and if such proof is not furnished to the satisfaction of the Commissioners the

goods shall be deemed to be goods manufactured in the first-mentioned country:

Provided that the Commissioners shall require such proof in the case only of goods consigned from such countries as the Board may direct.

Exceptions.

**6.** Subject to such conditions as the Commissioners may direct for securing that the provisions of this Part of this Act shall not be evaded, this Part of this Act shall not apply to any goods which had left the place from which they were consigned to the United Kingdom not later than fourteen days after the date of the order applying this Part of this Act to goods of the class or description in question.

Constitution of committees.

**7.**—(1) A committee for the purposes of this Part of this Act shall consist of five persons selected by the President of the Board from a permanent panel of persons appointed by him who shall be mainly persons of commercial or industrial experience.

(2) Any person whose interests may be materially affected by any action which may be taken on the report of a committee shall not be eligible for selection as a member of the committee.

(3) A committee to whom any matter is referred under this Part of this Act shall forthwith in accordance with such rules of procedure as may be prescribed inquire into the matter so referred and report thereon to the President of the Board:

Provided that the sittings of the committee at which evidence is taken shall be held in public, except that the committee shall refuse to allow the public to be present at any proceedings of the committee during the hearing of evidence on matters which, in their opinion, are of a confidential character.

Meaning of "cost of production."

**8.** In this Part of this Act the expression "cost of production" in relation to goods of any class or description means the current sterling equivalent of ninety-five per cent. of—

(*a*) the wholesale price at the works charged for goods of the class or description for consumption in the country of manufacture, subject to the

deduction of the amount of any excise or other similar internal duty leviable in that country and included in the price; or

(*b*) if no such goods are sold wholesale for consumption in the country of manufacture, the price at the works (subject to the like deduction) which would have been reasonable if the goods had been so sold, and in determining what price would have been reasonable regard shall be had to the wholesale prices charged for goods as near as may be similar.

Duration, &c. of orders.

**9.** An order made under this Part of this Act shall, unless previously revoked by the Board, continue in force for three years or such less period as may be specified in the order; but any such order may, subject to the provisions of this Part of this Act, be renewed from time to time by an order made in like manner and subject to the like conditions as the original order:

Provided that the Board shall not have power to revoke any such order either wholly or as respects any country or article to which the order relates except after reference to and consideration of any report thereon by a committee constituted under this Part of this Act, and that an order made on the ground of depreciation of foreign currency shall not be made or continue in force after the expiration of three years from the passing of this Act.

## PART III.

### *General.*

Value of goods for purposes of Act.

**10.**—(1) The value of any imported goods for the purpose of this Act shall be taken to be the price which an importer would give for the goods if the goods were delivered to him freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the Commissioners.

(2) If in ascertaining the proper rate of duty chargeable on any goods under this Act any dispute arises as to the value of the goods, that question shall be referred to the arbitration of a referee, appointed by the Lord Chancellor, who shall not be an official of any Government department, and the decision of the referee with

respect to the matter in dispute shall be final and conclusive.

Sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for a reference to a referee under this provision were substituted for the action or suit mentioned in those sections. 39 & 40 Vict. c. 36.

Determination of disputes.

**11.** If any dispute arises as to whether any goods imported into the United Kingdom are goods specified in the Schedule to this Act or in any list made by the Board under Part I. of this Act, or are goods to which an order made under Part II. of this Act applies, the question shall be referred to the arbitration of a referee, to be appointed by the Lord Chancellor, who shall not be an official of any Government department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were a dispute as to the proper rate of duty payable, with the substitution of an application for a reference to a referee under this section for the action or suit mentioned in those sections.

Supplementary provisions as to new duties.

**12.**—(1) If it is proved to the satisfaction of the Commissioners that a duty of customs has been duly paid in respect of any goods under this Act, and the goods have not been used in the United Kingdom, a drawback equal to the amount of duty paid shall be allowed on those goods if exported as merchandise.

(2) Section six of the Customs and Inland Revenue Act, 1879, shall not apply to goods liable to duties of customs under this Act, and any such goods imported into the United Kingdom after exportation therefrom shall be exempt from duty, if it is shown to the satisfaction of the Commissioners either that the goods had not been imported previously to exportation, or that no drawback of duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer: 42 & 43 Vict. c. 21.

Provided that goods which have been imported and exported by way of transit under bond shall not be deemed to have been imported or exported under this provision.

Exception for transit goods.

**13.** Subject to compliance with such conditions as to security for the re-exportation of the goods as the Commissioners may impose, this Act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of transhipment.

Interpretation.

**14.**—(1) In this Act—

The expression "the Board" means the Board of Trade; and any thing authorised under this Act to be done by the Board may be done by the President, or a Secretary or Assistant-Secretary, of the Board, or by any person authorised in that behalf by the President of the Board:

The expression "the Commissioners" means the Commissioners of Customs and Excise:

The expression "prescribed" means prescribed by regulations made by the Board.

(2) This Act shall be construed together with the Customs Consolidation Act, 1876, and any enactments amending that Act, except that the Isle of Man shall not be deemed to be part of the United Kingdom.

Short title.

**15.** This Act may be cited as the Safeguarding of Industries Act, 1921.

Duration of Part I.

**16.** Part I. of this Act shall come into force on the first day of October, nineteen hundred and twenty-one, and shall continue in force until the expiration of five years from the passing of this Act and no longer.

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Sections 1 and 11.

## SCHEDULE.

### GOODS CHARGEABLE WITH DUTY.

Optical glass and optical elements, whether finished or not, microscopes, field and opera glasses, theodolites, sextants, spectroscopes and other optical instruments.

Beakers, flasks, burettes, measuring cylinders, thermometers, tubing, and other scientific glassware and lamp-blown ware, evaporating dishes, crucibles, combustion boats, and other laboratory porcelain.

Galvanometers, pyrometers, electroscopes, barometers, analytical and other precision balances, and other scientific instruments, gauges and measuring instruments of precision of

the types used in engineering machine shops and viewing rooms, whether for use in such shops or rooms or not.

Wireless valves and similar rectifiers, and vacuum tubes.

Ignition magnetos and permanent magnets.

Arc-lamp carbons.

Hosiery latch needles.

Metallic tungsten, ferro-tungsten and manufactured products of metallic tungsten, and compounds (not including ores or minerals) of thorium, cerium and the other rare earth metals.

All synthetic organic chemicals (other than synthetic organic dyestuffs, colours, and colouring matters imported for use as such, and organic intermediate products imported for their manufacture), analytical re-agents, all other fine chemicals (except sulphate of quinine of vegetable origin) and chemicals manufactured by fermentation processes.

## CHAPTER 48.

An Act to repeal the Corn Production Acts, 1917 and 1920, to make provision as to payments under those Acts in respect of the crops of the current year, to provide funds for agricultural development, to promote the formation of joint conciliation committees for the industry of agriculture, and to make certain consequential amendments in section twelve, and to repeal subsection (1) of section fifteen of the Agriculture Act, 1920. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repeal of Corn Production Acts, 7 & 8 Geo. 5. c. 46. 10 & 11 Geo. 5. c. 76, Part I. 52 & 53 Vict. c. 63.

**1.** The Corn Production Acts, 1917 and 1920, are hereby repealed as from the first day of October, nineteen hundred and twenty-one:

Provided that, without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals—

(*a*) This repeal shall not prejudice or affect the power to take any proceedings in relation to

payments in respect of the wheat and oats of the year nineteen hundred and twenty-one or such of the powers mentioned in section nine of the Agriculture Act, 1920, as are excepted from the operation of that section;

10 & 11 Geo. 5. c. 76.

(*b*) Where on the thirtieth day of September, nineteen hundred and twenty-one, any legal proceedings are pending in England and Wales to which the Agricultural Wages Board or a district wages committee are parties, the Minister of Agriculture and Fisheries shall be substituted in those proceedings for the Board or committee, as the case may be, and the proceedings shall not abate by reason of the substitution; and

(*c*) All powers with respect to the destruction of injurious weeds shall continue to be exerciseable as if such of the provisions of the Corn Production Acts, 1917 and 1920, as are specified in the Schedule to this Act had not been repealed but were continued in force as set out with the necessary modifications in the said schedule; and

(*d*) The body of persons constituted with respect to any area by the Board of Agriculture for Scotland under subsection (2) of section eleven of the Corn Production Act, 1917, shall, notwithstanding this repeal, continue to exercise the powers and duties of the Agricultural Committees for that area under the Agriculture Act, 1920, and under any other enactment, unless and until His Majesty by Order in Council directs that such powers and duties shall be exercised by the Board of Agriculture for Scotland, which direction it shall be lawful for His Majesty to give, and the Board shall continue to have power to constitute such bodies: Provided that before any Order in Council is made under this section a draft thereof shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and unless both Houses by resolution approve of such draft no further proceedings shall be taken thereon

without prejudice to the making of a new draft Order.

Payments in respect of crops of 1921.

**2.** The sums to be paid under section one of the Corn Production Act, 1917, to the occupier of land in Great Britain in respect of each acre on which he proves in manner required by that section that wheat or oats have been produced in the year nineteen hundred and twenty-one, shall, subject to the provisoes to that section, be the sums of three pounds and four pounds respectively instead of sums calculated in manner provided by the Corn Production Acts, 1917 and 1920, and shall be payable on the first day of January, nineteen hundred and twenty-two.

Provision of funds for agricultural development.

**3.** For the purpose of providing a special fund for promoting agricultural development, including the establishment of scholarships and maintenance grants for the sons and daughters of agricultural workmen and others, there shall, during the financial year ending on the thirty-first day of March, nineteen hundred and twenty-two, be paid out of moneys provided by Parliament the sum of one million pounds.

Out of the sum so to be paid as aforesaid the sum of eight hundred and fifty thousand pounds shall be paid to the Development Fund to be applied for the purpose of aiding and developing agriculture in England and Wales in the manner specified in paragraph (*a*) of subsection (1) of section one of the Development and Road Improvement Funds Act, 1909, other than the extension of the provision of small holdings, and the sum of one hundred and fifty thousand pounds shall be paid to the Agriculture (Scotland) Fund to be applied by the Board of Agriculture for Scotland for the like purpose in Scotland.

9 Edw. 7. c. 47.

Establishment of voluntary joint councils of employers and workmen in agriculture.

**4.** Whereas it is expedient that local joint conciliation committees representative of persons (whether owners or occupiers of agricultural land) employing workmen in agriculture and of such workmen should without delay be formed by agreement throughout Great Britain for the purpose of dealing with wages or hours or conditions of employment: Now, therefore—

(1) The Minister of Agriculture and Fisheries as respects England and Wales, and the Board of Agriculture for Scotland as respects Scotland, shall have

power to take such steps as they think best calculated to secure the voluntary formation and continuance of such committees.

(2) The persons who are at the date of the passing of this Act members of a district wages committee for any area as representatives of persons employing workmen in agriculture or of workmen engaged in agriculture shall, until the expiration of two years from that date or until a joint conciliation committee is formed, whichever first happens, be a joint conciliation committee for the purpose of dealing with the matters aforesaid within any part of the said area for which a joint conciliation committee does not exist, and any vacancy occurring among those representatives shall be filled by the appointment of a member by the organisation representing employers or workmen by which the vacating member was nominated. An organisation by which any person who is a member of a district wages committee at the date of passing of this Act was nominated as such may, at any time before the first day of December, nineteen hundred and twenty-one, appoint another person to act in the place of that person as a member of the joint conciliation committee.

(3) Any joint conciliation committee which has agreed upon a rate of wages for any class of persons employed in agriculture in the district or any part of the district for which the committee is formed (except the members of the class for which on account of special circumstances exemption is provided by the agreement), and has agreed as to the period, whether a specified period or a period terminable by notice, during which the rate is to operate, may, if the committee so desires, submit the agreement to the Minister for confirmation, and the Minister may confirm the agreement and cause particulars of the agreed rate, and the agreed period and the date (being such date subsequent to the date of the advertisement as the Minister may determine) from which the rate is to operate to be advertised in the district to which it applies, in such manner as the Minister may think fit, with a view to bringing the terms thereof, as far as practicable, to the knowledge of the persons affected.

(4) Where any rate of wages has been so agreed, confirmed, and advertised, and so long as the agreement

is in operation, it shall be an implied term of every contract for the employment after the specified date of a workman of any class to which the agreement applies (having regard to any exemptions provided by the agreement) that the employer shall pay to that workman wages at not less than the rate payable under the agreement, provided that wages shall not be recoverable under this subsection unless proceedings for such recovery shall have been commenced before the expiration of three months after the date when the workman left the employment, and a person shall not be entitled to recover under this subsection wages for more than three months or for such longer period not exceeding one year as the court in which proceedings are taken for the recovery of the wages shall consider just.

(5) Where any rate of wages has been agreed by a committee and been duly confirmed and advertised as aforesaid, nothing in any contract for the employment of a workman in agriculture shall operate to deprive the workman of his right to receive wages at that rate, except—

(*a*) where the committee, or a sub-committee thereof, is satisfied that the contract for payment of wages at a lower rate was, having regard to any special circumstances affecting the workman or to the special terms of the contract, fair and reasonable, and issues a certificate accordingly; or

(*b*) where, on an application by either an employer or a workman for such a certificate, the committee or sub-committee have failed to agree with respect to the matter, and the court in which proceedings are taken for the recovery of wages at the rate agreed by the committee is so satisfied as aforesaid;

and then only to the extent to which the committee or sub-committee certifies or the court determines that the wages payable to the workman should be at some lower rate than the rate so agreed by the committee.

(6) A joint conciliation committee may appoint an independent person to act as chairman without the power to vote except in respect of any particular matter in

respect of which the committee agrees that the chairman shall have the power to vote.

(7) The representatives of employers and workmen on a joint conciliation committee shall, respectively, have one collective vote on any question.

(8) This section, except subsection (1) thereof, shall not apply to Scotland.

(9) In this section—

(*a*) The expression "agriculture" includes dairy-farming and the use of land as grazing, meadow, or pasture-land, or orchard, or osier-land, or for market gardens or nursery grounds, but not woodland or woodland nurseries and the expression "agricultural" shall be construed accordingly;

(*b*) The expression "workmen" includes boys, women, and girls;

(*c*) The expression "employment" means employment under a contract of service or apprenticeship, and the expressions "employ" and "employer" shall be construed accordingly.

Amendment of s. 12 of 10 & 11 Geo. 5. c. 76.

**5.** Any power which, under section twelve of the Agriculture Act, 1920 (which makes provision for the application of that Act to cottages on agricultural holdings), is exerciseable in relation to any dwelling-house by a district wages committee or a sub-committee of such a committee may be exercised in Scotland by the sheriff court, and elsewhere by a court of summary jurisdiction, for the district in which the dwelling-house is situate, and for the purpose of compensation under the said section the year's rent of the dwelling-house shall be taken to be the sum of seven pounds and sixteen shillings, or, if it is shown that that sum exceeds an amount equal to fifty-two times the weekly rental value of the dwelling-house let free from rates, then such last-mentioned amount.

Repeal of s. 15 (1) of 10 & 11 Geo. 5. c. 76.

**6.** Subsection (1) of section fifteen of the Agriculture Act, 1920, is hereby repealed.

Short title.

**7.** This Act may be cited as the Corn Production Acts (Repeal) Act, 1921.

## SCHEDULE.

Section 1.

Provisions of the Corn Production Acts, 1917 and 1920, relating to the destruction of injurious weeds as continued in force.

(1) Where the Minister of Agriculture and Fisheries (in this Schedule referred to as "the Minister") is satisfied that there are injurious weeds to which this Schedule applies growing upon any land, he may serve upon the occupier of the land a notice in writing requiring him to cut down or destroy the weeds in the manner and within the time specified in the notice.

(2) Where, under this Schedule, notice is served on a tenant a copy of the notice shall at the same time be served on the landlord.

(3) Where a notice has been served under this Schedule on the occupier of any land requiring him within a time specified in the notice to cut down or destroy weeds and that person unreasonably fails to comply with the requirements of the notice, he shall on summary conviction be liable, in respect of each offence, to a fine not exceeding twenty pounds and to a further fine not exceeding twenty shillings for every day during which the default continues after conviction:

Provided that—

(*a*) Proceedings for an offence under this paragraph shall not be instituted except by the Minister; and

(*b*) The Minister shall be entitled to execute any work specified in the notice and to recover summarily as a civil debt from the person in default the reasonable cost of executing such work in a proper manner, and the right of instituting any such proceedings shall not be prejudiced by the fact that the Minister has executed the work specified in the notice.

(4) Any person authorised in that behalf by the Minister or by any body of persons exercising any powers of the Minister on his behalf may, for the purpose of carrying this Schedule into effect, on the production, if so required, of his authority enter on and inspect any land. The occupier shall, in all such cases, be served with notice of the date on which the inspection is to take place.

If any person prevents or obstructs the entry for the purpose of this Schedule upon any land of any person autho-

rised under this Schedule, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(5) Every notice required to be served under this Schedule on the occupier of any land may either be served personally on him or sent by registered post to or left at his usual place of abode in the United Kingdom, and, in case any person on whom any such notice is to be served is absent from the United Kingdom, and his usual place of abode in the United Kingdom after diligent inquiry be found, the notice may be served by affixing a copy thereof on some conspicuous part of the land.

(6) The Minister may authorise the Agricultural Committee of any county or borough to exercise on behalf of the Minister any of the powers of the Minister under this Schedule.

(7) Any expenses incurred by the Minister under this Schedule up to an amount approved by the Treasury shall be defrayed out of the moneys provided by Parliament.

(8) The injurious weeds to which this Schedule applies are the following, that is to say, Spear Thistle (Carduus Lanceolatus L), Creeping or Field Thistle (Carduus Arvensis Curt), Curled Dock (Rumex Crispus L), Broad-leaved Dock (Rumex Obtusifolius L), and Ragwort (Senecio Jacobœa L).

(9) In this Schedule the expression "owner" includes a person entitled for his life or other limited estate, and the expression "occupier" means in the case of any public road the authority by whom the road is being maintained and in the case of unoccupied land the person entitled to the occupation thereof.

(10) This Schedule shall apply to Scotland with the following modifications:—

(i) The Board of Agriculture for Scotland shall be substituted for the Minister of Agriculture and Fisheries.

(ii) For the reference to the Agricultural Committee of any county or borough there shall be substituted a reference to the body of persons constituted for any area under the powers specified in paragraph (*d*) of the proviso to section one of this Act.

(iii) The provision requiring that proceedings for an offence shall not be instituted except by the Minister shall not apply.

(11) This Schedule shall not apply to Ireland.

## CHAPTER 49.

An Act to amend the War Pensions Acts, 1915 to 1920, and to provide for certain other matters connected with the administration of pensions, grants, and allowances. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of war pensions committees.

1.—(1) Subject to the provisions of this section, the Minister of Pensions (in this Act referred to as "the Minister") may by order make schemes for establishing committees to act as committees for the purposes of the War Pensions Acts, 1915 to 1920, as amended by this Act, for such areas as are respectively specified in the schemes, and, as from the date on which a committee is established for any area by a scheme under this section, all committees constituted under the War Pensions Acts, 1915 to 1920, for that area or any part of that area shall, subject as hereinafter provided, cease to exist, and all the provisions of those Acts, including any regulations, schemes, or orders made thereunder, relating to the constitution and the functions of, or otherwise making provision in relation to, committees under those Acts shall cease to have effect as respects that area:

Provided that—

(*a*) where any such scheme affects part only of the area for which any committee constituted under the War Pensions Acts, 1915 to 1920, is exercising its functions, that committee shall continue to exist, but shall cease to have any functions as respects so much of its area as is included in the area to which the scheme relates; and

(*b*) notwithstanding the making of a scheme for any area, the regulations made under paragraph (*f*) of subsection (1) of section five of the War Pensions (Administrative Provisions) Act, 1918, as amended by section four 8 & 9 Geo. 5. c. 57.

9 & 10 Geo. 5. c. 53.

of the War Pensions (Administrative Provisions) Act, 1919 (in this Act referred to as "the Act of 1919,") providing for the disallowance of any items of expenditure in the accounts of committees or the surcharging of any items disallowed or any loss or deficiency, and the recovery of any amount surcharged, shall, so far as relates to matters occurring before the date on which the scheme takes effect, continue in force as respects the accounts of committees constituted as aforesaid for that area.

(2) Before making any order under this section, the Minister shall take such steps as he may think desirable to consult persons and bodies affected thereby, including local committees.

(3) A committee established by a scheme under this section shall consist of such number of members, not exceeding twenty-five, as may be specified in the scheme, and every such scheme shall provide for the inclusion, so far as practicable, in the committee of representatives of—

(*a*) disabled men who have been discharged from the naval, military, or air service of His Majesty during the present war; and

(*b*) women who are in receipt of pensions as the widows or dependants of men in the said naval, military, or air service who have died from causes arising out of service during the present war; and

(*c*) such of the local authorities whose districts are situate wholly or partly within the area for which the committee is established as are specified in the scheme; and

(*d*) employers and workmen in industry in equal numbers; and

(*e*) voluntary associations engaged in the care of ex-service men and their families in the area;

Provided that—

(i) the persons appointed as representatives of the persons mentioned in paragraphs (*a*) and (*b*) of this subsection shall together constitute not less than one fourth of the total membership of the committee, and the persons appointed as

representatives of the persons mentioned in paragraphs (*c*), (*d*), and (*e*) respectively shall in each case constitute not less than one-fifth of the total membership of the committee, and where one fourth or one fifth of the total membership is not an integral number, the nearest integral number to one fourth or one fifth of the total membership, as the case may be, shall be substituted therefor; and

(ii) where the number of the members to be appointed as representatives of the persons mentioned in paragraph (*d*) as ascertained in the manner aforesaid is not an even number, the number so ascertained shall be increased by one; and

(iii) not less than four members of the committee shall be women.

(4) Every scheme made for the establishment of a committee under this section shall provide for the appointment of the members of the committee by the Minister, and for the periods for which the members shall hold office, and the conditions under which they can be removed from office and on the first constitution of such a committee the Minister shall have regard to the desirability, subject to the provisions of this section, of selecting, so far as possible, for appointment to the committee, persons who are members of the existing committees in the area to which the scheme applies.

(5) Every order made under this section with respect to any area shall provide for the transfer to the committee established thereunder or to the Minister, according as the Minister thinks desirable, of any business pending before the existing committees in so far as the business relates to that area, and may contain such consequential and supplemental provisions as the Minister may consider necessary.

(6) In the appointment of officers required for the administration of any business transferred to the Minister in pursuance of an order made under this section, the employment of suitable members of the staff of any existing committee in the area shall, so far as practicable, be considered.

(7) Any order made under this section shall have effect as if enacted in this Act, and may be revoked, varied, or amended by a subsequent order so made.

Functions of war pensions committees.

2.—(1) The functions of a committee established under this Act shall be—

(*a*) to consider and make recommendations to the Minister as to the administration of war pensions in the area of the committee; and

(*b*) to receive reports from officers in the area of the committee as to the state and progress of applications from persons residing in the area of the committee; and

(*c*) to hear and consider complaints made to the committee by persons in receipt of or claiming pensions, and to make representations thereon to the Minister; and

(*d*) to enquire into any matter referred to them by the Minister or the special grants committee and to report thereon, with such recommendations as they think fit, to the Minister or that committee, as the case may be; and

(*e*) to make arrangements for the distribution of any supplementary grants which they may be required to distribute by the special grants committee; and

(*f*) to consider applications for grants from such departments, bodies or organisations as the Minister may specify, and make recommendations with respect thereto; and

(*g*) to perform any duties required by the Minister or the special grants committee to be performed by them in relation to children for whose care it is the duty of the Minister to make provision; and

(*h*) to take steps to secure the assistance and co-operation of voluntary workers in connection with the work of the committee, and particularly in rural districts; and

(*i*) to perform such other duties in relation to pensions, and to any other matters, as the Minister may by regulation prescribe.

(2) The functions of committees under this section shall be exercised subject to and in accordance with regulations to be made by the Minister.

Constitution of central advisory committee.

**3.** As soon as possible after the passing of this Act the Minister shall constitute a central advisory committee consisting of officers of the Ministry (local and central), ex-service men, and representatives of any committees constituted under the War Pensions Acts, 1915 to 1920, or under this Act, and for the time being in existence to consider such matters as may be put before them by the Minister for their advice.

Final awards.

**4.**—(1) Notwithstanding anything in any Warrant, Order in Council, or Order administered by the Minister, the Minister may, subject to the approval of the Treasury, make regulations providing for the making of final awards in the case of any officers or men to whom pensions in respect of disablement due to causes arising out of service during the present war have been granted or who claim such pensions, and prescribing the principles on which any such awards are to be made and the classes of pension to which this section is to apply.

(2) The case of every such officer and man as aforesaid shall, with a view to making a final award, be taken into consideration not later than four years after his discharge from the service or after the first award of a pension to him, as may be prescribed by regulations made under this section.

(3) If any person in whose case a final award has been made under this section is dissatisfied with the award, he may, at any time within one year from the date on which notice of the making of the award is given to him, appeal to a Pensions Appeal Tribunal established under section eight of the Act of 1919, and the Tribunal shall, if they are of opinion that, having regard to all the circumstances of the case, the final award ought not to have been made or that the proper amount of pension or proper rate of disablement was not fixed by the award, as the case may be, either set aside the award or increase or decrease the amount or rate so fixed as they think proper, and shall in any other case disallow the appeal:

Provided that—

(*a*) a Pensions Appeal Tribunal in exercising their powers in relation to appeals under this

section shall have regard to the provisions of any regulations made under this section; and

(*b*) for the purpose of hearing appeals under this section the constitution of the Tribunal shall be modified by the substitution for the legal representative of a second medical practitioner having such qualifications as may be prescribed by regulations made under the Schedule to the Act of 1919, and that schedule shall have effect accordingly, and regulations may be made under that schedule with respect to appeals under this section.

The Minister shall, in such manner as may be prescribed by regulations made by him under this section, bring the provisions of this subsection to the notice of persons having a right of appeal thereunder.

(4) Where a grant of a permanent pension or of a gratuity or a final weekly allowance or an award (other than the grant of a conditional pension) has been made before the commencement of this Act, the grant or award shall for the purposes of this section be treated as a final award made thereunder, and this section shall apply accordingly with the substitution of one year from such date (not being earlier than the commencement of this Act) as may be fixed for the purposes of this subsection by regulations made under this section for one year from the date of notice of the award.

Limit of time for making claims to pensions in respect of disablement. 8 & 9 Geo. 5. c. 59.

**5.** The power of the Minister under any Warrant, Order in Council or Order to grant a pension to any person in respect of disablement shall not be exercised unless the claim in respect of the disablement is made within seven years after the date on which the claimant was discharged or the date fixed under the Termination of the Present War (Definition) Act, 1918, as the date of the termination of the present war, whichever date is the earlier.

Amendment of s. 8 of 9 & 10 Geo. 5. c. 53. 11 Geo. 5. c. 23.

**6.**—(1) No appeal shall lie under section eight of the Act of 1919 as originally enacted, or as amended by section eight of the War Pensions Act, 1920 (in this Act referred to as "the Act of 1920"), to a Pensions Appeal Tribunal against the rejection of a claim unless notice of intention to appeal is given in such manner as may be prescribed by regulations made under the Schedule

to the Act of 1919, and within twelve months after the date of the notification to the claimant of the rejection of the claim or after the date of the commencement of this Act, whichever is the later.

(2) A Pensions Appeal Tribunal in considering such an appeal as aforesaid shall have regard to the terms of the Warrant, Order in Council, or Order in pursuance of which the claim purports to be made, and shall not allow the appeal unless they are satisfied that the claim is in all respects well founded having regard to the said terms.

Power to commute pensions.

**7.**—(1) The Minister, on the application of any person in receipt of a pension, may in his discretion and on the prescribed terms and subject to the prescribed conditions, commute any part of the pension by the payment of a capital sum.

(2) If any person making an application under this section for the commutation of his pension wilfully makes a false statement in any declaration which he is required to make for the purposes of or in connection with the application, he shall be liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds, or to both such imprisonment and fine.

(3) In this section the expression "prescribed" means prescribed by regulations made by the Minister with the approval of the Treasury.

Extension of s. 9 of 8 & 9 Geo. 5. c. 57. 52 & 53 Vict. c. 56. 62 & 63 Vict. c. 37.

**8.** Where by virtue of a resolution passed under section one of the Poor Law Act, 1889, as amended by section one of the Poor Law Act, 1899, the control of any child, being a child to whom section nine of the War Pensions (Administrative Provisions) Act, 1918, would apply if it were suffering from neglect or want of proper care, is vested in the guardians of a poor law union, the guardians may on the application of the Minister permit the child to be under the control of the Minister as if the Minister were a person named in that behalf in the proviso to subsection (1) of section one of the said Poor Law Act, 1889, and, where any guardians so permit, it shall be the duty of the Minister to make provision for the care of the child as if it were a child to whom the said section nine applied, and that section as amended by

section nine of the Act of 1920 shall apply accordingly with the necessary modifications.

Regulations to be laid before Parliament.

**9.** Every order and every regulation made under this Act shall be laid before each House of Parliament forthwith, and, unless and until an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such order or regulation is laid before it, praying that the order or regulation may be annulled, the order or regulation shall have effect as if enacted in this Act.

Construction and short title.

**10.**—(1) This Act may be cited as the War Pensions Act, 1921, and shall be construed as one with the War Pensions Acts, 1915 to 1920, and those Acts and this Act may be cited together as the War Pensions Acts, 1915 to 1921.

(2) In this Act, unless the context otherwise provides, the expression "pension" means any pension, grant, gratuity, or allowance in respect of disablement under any Warrant, Order in Council, or Order, administered by the Minister, and for the purposes of this Act a person shall be deemed to have been discharged from the service at the time when his active service terminated.

## CHAPTER 50.

An Act to make provision for the examination and putting in evidence in trials on indictment in Scotland of witnesses and productions not included in lists lodged, and for the remission for sentence to the High Court of Justiciary of persons pleading or found guilty on indictment in the Sheriff Court. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Examination of witnesses,

**1.** On the trial of any person on indictment in the High Court of Justiciary or in the Sheriff Court it shall

be competent with the leave of the Court for the prosecutor to examine any witness or to put in evidence any production not included in the lists lodged by him, provided that written notice containing, in the case of a witness, his name and address shall have been given to the person accused not less than two clear days before the day on which the jury is sworn to try the case. &c., not included in lists lodged.

**2.** In any proceedings on indictment in Scotland in which the second diet is to be in the Sheriff Court, where the accused shall, either at the first or at the second diet, plead guilty in whole or in part, and the prosecutor shall accept such plea, or where the accused shall at the second diet be found guilty in whole or in part by verdict of the jury, the Sheriff, if he shall hold that any sentence which he can competently pronounce is inadequate and that the question of punishment should be disposed of by the High Court of Justiciary, shall endorse upon the record copy of the indictment a certificate of the plea tendered or of the verdict returned, and shall by an interlocutor written on the said record copy remit the accused to the said Court for sentence, and may, if he shall think fit, append to such interlocutor a note setting forth the reasons for such remit, and such remit shall be of the like force and effect in all respects as a remit in terms of section thirty-one of the Criminal Procedure (Scotland) Act, 1887. Power to sheriff on plea or verdict of guilty to an indictment to remit to High Court of Justiciary for sentence. 50 & 51 Vict. c. 35.

**3.** This Act may be cited as the Criminal Procedure (Scotland) Act, 1921, and the Criminal Procedure (Scotland) Act, 1887, and this Act may be cited as the Criminal Procedure (Scotland) Acts, 1887 and 1921. Short title.

# CHAPTER 51.

An Act to consolidate the enactments relating to Education and certain enactments relating to the Employment of Children and Young Persons.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.

## CENTRAL AND LOCAL EDUCATION AUTHORITIES.

### *Central Authority.*

Central authority.

**1.** The Board of Education shall continue to be the Department of Government charged with the superintendence of matters relating to education in England and Wales.

Consultative committee.

**2.**—(1) There shall continue to be a consultative committee for advising the Board of Education on any matters referred to the committee by the Board constituted in accordance with the Order in Council, dated the twenty-second day of July nineteen hundred and twenty, made under section four of the Board of Education Act, 1899.

62 & 63 Vict. c. 33.

(2) His Majesty in Council may by order alter the constitution of the consultative committee, so, however, that it shall always consist as to not less than two-thirds of the members thereof of persons qualified to represent the views of universities and other bodies interested in education; but where it is proposed to make any such order, a draft thereof shall be laid before each House of Parliament for not less than four weeks during which that House is sitting before it is submitted to His Majesty in Council.

*Local Education Authority.*

**3.**—(1) For the purposes of elementary education— Local education authorities.

(*a*) the council of every county borough as respects their county borough;

(*b*) the council of a borough with a population of over ten thousand according to the census of nineteen hundred and one as respects their borough;

(*c*) the council of an urban district with a population of over twenty thousand according to that census as respects their district; and

(*d*) the council of every county as respects their county (excluding the area of any such borough or urban district);

shall be the local education authority.

(2) For the purposes of higher education—

(*a*) the council of a county as respects their county; and

(*b*) the council of a county borough as respects their borough;

shall be the local education authority, but the councils of non-county boroughs and urban districts, though not local education authorities for higher education, shall have the powers as respects higher education given under this Act.

(3) If any question arises whether any purpose for which a council wish to exercise any powers under this Act is a purpose of the provisions of this Act relating to elementary education or of those relating to higher education, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

(4) Where before the commencement of this Act the council of a non-county borough or urban district have, in pursuance of section twenty of the Education Act, 1902, relinquished any of their powers or duties, nothing in this section shall affect the effect of such relinquishment. 2 Edw. 7. c. 42.

Education committees.

4.—(1) Every council having powers under this Act shall have an education committee or education committees constituted in accordance with this Act:

Provided that a council having powers under this Act as respects higher education only, shall not be obliged to have an education committee if they determine that an education committee is unnecessary in their case.

9 & 10 Geo. 5. c. 91.

(2) Subject to the provisions of subsection (2) of section seven of the Ministry of Agriculture and Fisheries Act, 1919—

(*a*) all matters relating to the exercise by the council of their powers under this Act, or of any powers connected with education conferred by or under any other Act, scheme, or order on the council expressly as a local education authority or as a council having powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question;

(*b*) the council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any such powers as aforesaid, except the power of raising a rate or borrowing money.

(3) The education committee of a council shall be constituted in accordance with a scheme made by the council, and approved by the Board of Education, and the provisions contained in the First Schedule to this Act shall apply with respect to the making and approval of any such scheme, and the meetings and proceedings of the education committee, and the qualification of members thereof.

(4) Any such scheme shall, when approved, have effect as if enacted in this Act, and any such scheme may be revoked or altered by a scheme made in like manner, and having the same effect as an original scheme.

(5) An education committee may, subject to any directions of the council, appoint such and so many

sub-committees consisting either wholly or partly of members of the committee, as the committee thinks fit.

Power of council of non-county borough or urban district to relinquish powers and duties under Act.

**5.**—(1) The council of a non-county borough or urban district having any powers or duties under this Act may, at any time, by agreement with the council of the county, and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under this Act, and in that case the powers and duties of the authority so relinquished shall cease, and the area of the authority, if the powers and duties relinquished include powers as to elementary education, shall, as respects those powers, be part of the area of the county council.

(2) The provisions set out in the Second Schedule to this Act shall have effect for the purpose of carrying out any relinquishment of powers or duties in pursuance of this section.

Provisions as to co-operation and combination.

**6.**—(1) For the purpose of performing any duty or exercising any power under this Act, a council having powers under this Act may enter into such arrangements as they think proper for co-operation or combination with any other council or councils having such powers, and any such arrangement may provide for the appointment of a joint committee or a joint body of managers, for the delegation to that committee or body of managers of any powers or duties of the councils (other than the power of raising a rate or borrowing money), for the proportion of contributions to be paid by each council, and for any other matters which appear necessary for carrying out the arrangement.

(2) The Board of Education may, on the application of two or more councils having powers under this Act, by scheme provide for the establishment and (if thought fit) the incorporation of a federation for such purposes of any such arrangements as aforesaid as may be specified in the scheme as being purposes relating to matters of common interest concerning education which it is necessary or convenient to consider in relation to areas larger than those of individual education authorities, and the powers conferred on councils by this section shall include power to arrange for the performance of any educational or administrative functions by such a federation as if it were a joint committee or a joint body of managers:

Provided that no council shall without their consent be included in a scheme establishing a federation, and no council shall be obliged to continue in a federation except in accordance with the provisions of a scheme to which they have consented.

(3) A scheme made by the Board of Education constituting a federation, and an arrangement establishing a joint committee or a joint body of managers, shall provide for the appointment of at least two-thirds of the members by councils having powers under this Act, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education and of representatives of universities or other bodies.

(4) A scheme constituting a federation may on the application of one or more of the councils concerned be modified or repealed by a further scheme, and, where a scheme provides for the discontinuance of a federation, provision may be made for dealing with any property or liabilities of the federation.

Arrangements between councils.

**7.** An authority having powers under this Act may make arrangements with the council of any county, borough (including a metropolitan borough), district, or parish, whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council.

Co-operation between authorities for elementary and higher education with respect to matters of common interest.

**8.** It shall be the duty of the local education authority for elementary education so to exercise their powers as to make, or otherwise to secure, adequate and suitable arrangements for co-operating with local education authorities for higher education in matters of common interest, and particularly in respect of the preparation of children for further education in schools other than elementary, and their transference at suitable ages to such schools, and of the supply and training of teachers.

Voting in county council.

**9.** The county councillors elected for an electoral division consisting wholly of a borough or urban district whose council are a local education authority for the purpose of elementary education, or of some part of such a borough or district, shall not vote in respect of any question arising before the county council which relates only to elementary education.

**10.** The minutes of the proceedings of a local education authority, and, where a local education authority delegate to their education committee any powers, and the acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers, shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom. Inspection of minutes.

## Part II.

### Schemes as to Powers and Duties.

**11.** With a view to the establishment of a national system of public education available for all persons capable of profiting thereby, it shall be the duty of the council of every county and county borough, so far as their powers extend, to contribute thereto by providing for the progressive development and comprehensive organisation of education in respect of their area, and with that object any such council from time to time may, and shall when required by the Board of Education, submit to the Board schemes showing the mode in which their duties and powers under this Act and subsection (6) of section two of the Blind Persons Act, 1920, are to be performed and exercised, whether separately or in co-operation with other authorities. Schemes for progressive and comprehensive organisation of education. 10 & 11 Geo. 5. c. 49.

**12.** A local education authority for elementary education from time to time may, and shall, when required by the Board of Education, submit to the Board schemes for the exercise of their powers as such authority. Schemes as to elementary education.

**13.** For the purpose of carrying out their powers and duties under this Act with respect to continuation schools, a local education authority for higher education from time to time may, and shall, when required by the Board of Education, submit to the Board schemes for the progressive organisation of a system of continuation schools, and for securing general and regular attendance thereat, and, in preparing schemes under this section, the Schemes for continuation schools.

local education authority shall have regard to the desirability of including therein arrangements for co-operation with universities in the provision of lectures and classes for scholars for whom instruction by such means is suitable.

Preparation and submission of schemes.

**14.**—(1) The council of a county, before submitting a scheme under this Part of this Act, shall consult the other authorities within their county (if any) who are authorities for elementary education, with reference to the mode in which and the extent to which any such authority will co-operate with the council in carrying out their scheme, and when submitting their scheme shall make a report to the Board of Education as to the co-operation which is to be anticipated from any such authority, and any such authority may, if they so desire, submit to the Board, as well as to the council of the county, for consideration in connection with the scheme of the county, any proposals or representations relating to the provision or organisation of education in the area of that authority.

(2) Before submitting schemes under this Part of this Act a local education authority shall consider any representations made to them by parents or other persons or bodies of persons interested, and shall adopt such measures to ascertain their views as they consider desirable, and the authority shall take such steps to give publicity to their proposals as they consider suitable, or as the Board of Education may require.

(3) A local education authority in preparing schemes under this Part of this Act shall have regard to any existing supply of efficient and suitable schools or colleges not provided by local education authorities, and to any proposals to provide such schools or colleges.

(4) In schemes under this Part of this Act adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.

Approval of schemes by Board of Education.

**15.**—(1) The Board of Education may approve any scheme (which term shall include an interim, provisional, or amending scheme) submitted to them under this Part of this Act by a local education authority, and thereupon

it shall be the duty of the local education authority to give effect to the scheme.

(2) If the Board of Education are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which the scheme relates, and the Board are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority and, if requested by the authority, shall hold a public inquiry in the matter.

(3) If thereafter the Board of Education disapprove a scheme, they shall notify the authority, and, if within one month after such notification an agreement is not reached, they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action which they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

Provisions as to schemes relating to medical inspection and treatment.

**16.** If and so far as any such scheme as aforesaid relates to the medical inspection or treatment of children or young persons, the foregoing provisions of this Act shall apply as if for references to the Board of Education there were substituted references to the Minister of Health:

Provided that for the purpose of facilitating the effective exercise and performance of the powers and duties of the Minister of Health in relation thereto, the Minister may make arrangements with the Board of Education respecting the submission and approval of such schemes, and the powers and duties of the Minister may under any such arrangements be exercised and performed by the Board on behalf of the Minister and with his authority under such conditions as he may think fit.

## Part III.

## Elementary Schools.

### *Maintenance and Provision of Schools.*

Duty to provide and maintain public elementary

**17.**—(1) The local education authority for elementary education shall, in accordance with and subject to the provisions of this Act, maintain and keep efficient all public elementary schools within their area which are

school accommodation.

necessary, and have the control of all expenditure required for that purpose other than expenditure for which under this Part of this Act provision is to be made by the managers, and shall provide such additional school accommodation as is in the opinion of the Board of Education necessary in order to provide for their area a sufficient amount of public school accommodation, that is to say, accommodation in public elementary schools available for all the children resident in the area of the local education authority, for whose elementary education sufficient and suitable provision is not otherwise made.

(2) A local education authority may, with the consent of the Board of Education, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of this Act a school so provided shall be deemed to be situated within the area of the authority, but the Board before giving their consent shall consult the authority of the area in which the proposed site is situated.

(3) A local education authority, for the purpose of providing sufficient public school accommodation for their area, may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, or may exercise any of those powers.

(4) A local education authority may discontinue any school provided by them, or change the site of any such school, if they satisfy the Board of Education that the school to be discontinued is unnecessary, or that the change of site is expedient.

Provision of new schools.

18.—(1) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the

wants of the district than the school proposed to be provided, and any school provided in contravention of the decision of the Board of Education on such appeal shall be treated as unnecessary.

(2) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section.

(3) Any transfer of a public elementary school to or from a local education authority shall, for the purposes of this section, be treated as the provision of a new public elementary school.

(4) The provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school.

(5) The site of a new public elementary school to be provided by the local education authority for the administrative county of London within the area of a metropolitan borough shall not be determined upon until after consultation with the council of the metropolitan borough in which the proposed site is situated, and, in the case of compulsory purchase, if the council of the metropolitan borough does not concur in the proposed compulsory acquisition, the Board of Education shall not make the order authorising the purchase unless they are satisfied that the concurrence of the council of the borough should be dispensed with: Provided that, except in the case of compulsory acquisition, the site required for the enlargement of a public elementary school shall not be deemed to be a site required for a new public elementary school within the meaning of this provision.

Schools provided by the local education authority for blind, deaf, epileptic, or defective children, and any other schools which, in the opinion of the Board of Education, are not of a local character, shall not be treated for the purposes of this subsection as public elementary schools.

Necessity of schools.

**19.**—(1) The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of

their children, and to the economy of the rates; but a school for the time being recognised as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty.

(2) Where the managers of an elementary school which is not at the time recognised as a public elementary school apply to the Board of Education for a parliamentary grant, the Board may, although no appeal is made to the Board under this Act on the ground that the school is not required, refuse the application for the grant, if they think that the school is unnecessary, but shall make a special report to Parliament in every year of any cases in which the grant has been so refused during the preceding year, showing in each case the reasons for the refusal.

Practical and advanced instruction.

**20.** It shall be the duty of a local education authority so to exercise their powers under this Part as to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise—

(i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children; and

(ii) for organising in public elementary schools courses of advanced instruction for the older or more intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen.

Nursery schools.

**21.** The powers of a local education authority for elementary education shall include power to make arrangements for—

(*a*) supplying or aiding the supply of nursery schools (which expression shall include nursery classes) for children over two and under five years of age, or such later age as may be approved by the Board of Education, whose attendance at such a school is necessary or desirable for their healthy, physical, and mental development; and

(*b*) attending to the health, nourishment, and physical welfare of children attending nursery schools.

Vacation, &c., schools

**22.** The powers of a local education authority for elementary education shall include power to provide, for children attending a public elementary school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place:

Provided that in any exercise of powers under this section, the local education authority may encourage and assist the establishment or continuance of voluntary agencies, and associate with themselves representatives of voluntary associations for the purpose.

Powers for the education of children in exceptional circumstances.

**23.** Where a local education authority for elementary education are satisfied in the case of any children that, owing to the remoteness of their homes or the conditions under which the children are living, or other exceptional circumstances affecting the children, those children are not in a position to receive the full benefit of education by means of the ordinary provision made for the purpose by the authority, the authority may, with the approval of the Board of Education, make such arrangements, either of a permanent or temporary character, and including the provision of board and lodging, as they think best suited for the purpose of enabling those children to receive the benefit of efficient elementary education, and may for that purpose enter into such agreement with the parent of any such child as they think proper:

Provided that, where a child is boarded out in pursuance of this section, the local education authority shall, if possible, and, if the parent so requests, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents.

Provisions with respect to scholarships, bursaries, &c.

**24.** The powers of a local education authority for elementary education shall include a power to aid by scholarships (which term includes allowances for maintenance) or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed by this Act for the provision of instruction in a public elementary school.

Provision as to Marine

**25.** The local education authority may maintain as a public elementary school under the provisions of this

schools and schools attached to institutions.

Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of, any institution in which children are boarded, but, notwithstanding anything in this Act, their refusal to maintain such a school shall not render the school incapable of receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority.

Limitation on powers of providing elementary instruction.

**26.**—(1) The Board of Education may, on the application of the local education authority, authorise the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age as appears to the Board desirable:

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under sections eight and twenty of this Act and to the effective development and organisation of all forms of education in the area, and to any representations made by the managers of schools.

(2) Subject as aforesaid, the power to provide instruction under the provisions of this Part of this Act shall, except where this Act expressly provides to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that—

(*a*) the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school;

(*b*) the Board of Education may, on the application of the local education authority, by order substitute, as respects any public elementary school within the area of the authority, the close of the educational year as fixed by the Board for that school for the close of the school year, and as respects any such school this subsection shall have effect as if the close of the educational year fixed by the order was substituted for the close of the school year.

*Conduct of School.*

Public elementary school.

27.—(1) Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely:—

(*a*) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

(*b*) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time-table to be approved by the Board of Education, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(*c*) The school shall be open at all times to the inspection of any of His Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(*d*) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

(2) It shall be the duty of the local education authority to report to the Board of Education any infraction of the provisions of this section in any public elementary school within their area which may come to their knowledge and also to forward to the Board any complaint which they may receive of any infraction of those provisions.

Conditions to be observed in conduct of provided schools.

**28.** Every elementary school provided by a local education authority shall be conducted under the control and management of that authority in accordance with the following regulations :—

(1) The school shall be a public elementary school within the meaning of this Act;

(2) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Conditions to be observed in conduct of non-provided schools.

**29.**—(1) The local education authority shall be responsible for, and have the control of, all secular instruction in public elementary schools not provided by them.

(2) A local education authority shall maintain and keep efficient under this Act a public elementary school not provided by them only so long as the school is necessary and the following conditions and provisions are complied with :—

(*a*) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and with respect to arrangements for the admission to the school of teachers of secular subjects not attached to the staff of any particular school, and teachers appointed for the purpose of giving practical instruction, pupil teachers and student teachers, and for the dismissal of any teacher on educational grounds, and, if the managers fail to carry out any such direction, the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision

shall be such as to interfere with reasonable facilities for religious instruction during school hours:

(*b*) The local education authority shall have power to inspect the school:

(*c*) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school:

Young v Cuthbert 1906 1 ch. 451
Smith v Hannel 1912 1 Ch. 816
Harris v Crow. fund 1918 2 Ch 156

(*d*) The managers of the school shall provide the schoolhouse free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the schoolhouse in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority: Provided that such damage as the local education authority consider to be due to fair wear and tear in the use of any room in the schoolhouse for the purpose of a public elementary school shall be made good by the local education authority:

(*e*) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the schoolhouse out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.

(3) The managers of a public elementary school maintained but not provided by a local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the schoolhouse out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the schoolhouse by

them, the room is left in a proper condition for school purposes.

(4) A local education authority shall be entitled to use for the purposes of the school any school furniture and apparatus belonging to the trustees or managers of any public elementary school not provided by them, and in use for the purposes of the school on the day on which the Education Act, 1902, came into operation as respects he school.

(5) In public elementary schools maintained but not provided by the local education authority—

(*a*) Assistant teachers and pupil teachers may be appointed if it is thought fit, without reference to religious creed and denomination;

(*b*) The appointment of teachers of secular subjects not attached to the staff of any particular public elementary school and teachers appointed for the purpose of giving practical instruction, pupil teachers and student teachers shall be made by the local education authority;

(*c*) The religious instruction given shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this paragraph shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(6) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this Act and shall, subject to the powers of the local education authority under this section, have the exclusive power of appointing and dismissing teachers.

See Young v. Cuthbert 1906 Ch. 451, 461

(7) One of the conditions required to be fulfilled by an elementary school not provided by a local education authority in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.

(8) The power of a local education authority under this section to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or byelaw relating to school attendance to be attendance at a public elementary school :

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the time-table, reasonable facilities shall be afforded, subject to the provisions of section twenty-seven of this Act, for enabling such child to receive religious instruction in the school at some other time.

(9) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education.

Martin v Eccles 1919 1 Ch. 387 at pp. 398 & 405

Hilford v. N. R. C.C. 1908 1 K. 685

Gillow v. Durham C.C. 1913 A.C. at p. 57

N. Suffolk C.C. Hounsham 1911 2 K.B. 687

*School Managers.*

Managers.

**30.**—(1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers, consisting of a number of managers not exceeding four appointed by that council, together with a number not exceeding two appointed by the minor local authority.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

This subsection shall not apply to the administrative county of London.

(2) All public elementary schools not provided by the local education authority shall have a body of managers consisting of a number of foundation managers not exceeding four appointed as provided by this Act,

together with a number of managers not exceeding two appointed—

(*a*) where the local education authority are the council of a county, one by that council and one by the minor local authority; and

(*b*) where the local education authority are the authority of a borough or urban district, both by that authority.

(3) Where any school situated in a county appears to the county council to serve the area of more than one minor local authority, the county council shall make such provision as they think proper for the joint appointment of managers by the authorities concerned.

(4) The provisions contained in the Third Schedule to this Act shall apply with respect to meetings and proceedings of managers.

(5) Notwithstanding anything in this section—

(*a*) schools may be grouped under one body of managers in manner provided by this Act; and

(*b*) where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased; and

(*c*) any public elementary school, which in the opinion of the Board of Education is organised for the sole purpose of giving advanced instruction to older children, may be managed in such manner as may be approved by the local education authority, and in the case of a school not provided by that authority also by the managers of the school; and

(*d*) any class conducted in premises provided for classes in practical or advanced instruction for children attending from more than one public elementary school may be managed in such manner as may be approved by the local education authority.

Foundation managers.

**31.**—(1) The foundation managers of a school shall be managers appointed under the provisions of the trust deed of the school, or under an order made in pursuance of this Act or section eleven of the Education Act, 1902, or under the trust deed of the school as modified by any such order.

(2) Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit was, at the time of the passing of the Education Act, 1902, dependent on any qualification of the managers, the qualification of the foundation managers only shall, in case of question, be regarded.

Orders of Board of Education as to foundation managers.

**32.**—(1) If it is shown to the satisfaction of the Board of Education that the provisions of the trust deed of a school not provided by the local education authority as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall, on the application of the local education authority or any other person interested in the management of the school, make an order under this section for the purpose of meeting the case.

(2) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend by an order made under this section any previous order so made.

(3) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the owners, trustees and managers of the school, and to any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given.

(4) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any application under this section to have temporary effect until the final order is made.

(5) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to

the principles on which the education given in the school has been conducted in the past.

(6) Any order made under this section, where it modifies the trust deed of a school, shall have effect as part of the trust deed, and, where there is no trust deed, shall have effect as if it were contained in a trust deed.

(7) Before making any final order revoking, varying, or amending a previous order made under this section, the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Grouping of schools under one management.

**33.**—(1) The local education authority may group under one body of managers any public elementary schools provided by them, and may also, with the consent of the managers of the schools, group under one body of managers any such schools not so provided.

(2) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, in the case of schools provided by the local education authority, may be determined by that authority, and, in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education.

(3) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction.

(4) Any arrangement for grouping schools not provided by the local education authority shall, unless previously determined by consent of the parties concerned, remain in force for a period of three years.

(5) This section, so far as it relates to schools provided by the local education authority, shall not apply to the administrative county of London.

Organisation and grouping of non-provided schools of the same denominational character.

**34.** Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organisation of the schools; and for the grouping of the schools under one body of managers constituted in the manner provided by subsection (2) of the last preceding section:

Provided that, if the constitution of the body of managers falls to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections thirty, thirty-one, and thirty-two of this Act; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

Powers of managers.

**35.**—(1) The managers of a public elementary school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine.

(2) The managers of an elementary school shall have power to fulfil the conditions required to be fulfilled in order to obtain a parliamentary grant, and to fulfil any other conditions, perform any duties, and exercise any powers under this Act, notwithstanding any provision contained in any trust deed of the school.

(3) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of the school both for the purposes of this Act and, so far as respects the management of the school as a public elementary school, for the purposes of the trust deed.

Management and grouping of provided schools in London.

**36.**—(1) Every public elementary school provided by the local education authority for the administrative county of London within the area of any metropolitan borough shall have a body of managers. The number of those managers and the manner in which schools, in cases where it is desirable, should be grouped under one body of managers shall

be determined by the council of each borough, after consultation with the local education authority, and subject to the approval of the Board of Education.

(2) Two-thirds of every such body shall be appointed by the borough council and one-third by the local education authority; but due regard shall be had in selecting managers to the inclusion of women in the proportion of not less than one-third of the whole body of managers, and the borough council and the local education authority shall carry out any directions given by the Board of Education for the purpose of giving effect to this provision.

(3) A manager of a public elementary school provided by the local education authority for the administrative county of London shall not be appointed for a longer period than three years, but may be re-appointed.

(4) Schools provided by the local education authority for the administrative county of London for blind, deaf, epileptic, or defective children, and any other schools which, in the opinion of the Board of Education, are not of a local character, shall not be treated for the purposes of this section as public elementary schools.

(5) Notwithstanding anything in this section, any public elementary school which, in the opinion of the Board of Education, is organised for the sole purpose of giving advanced instruction to older children, and any class conducted in premises provided for classes in practical or advanced instruction for children attending from more than one public elementary school, may be managed in such manner as may be approved by the local education authority.

(6) Nothing in this section shall apply to schools not provided by the local education authority.

*Prohibition of School Fees.*

Prohibition of fees in public elementary schools.

**37.**—(1) No fees shall be charged or other charges of any kind made in any public elementary school.

(2) During a period of five years from the first day of April, nineteen hundred and nineteen, the Board of Education shall, in each year, out of moneys provided by Parliament, pay to the managers of a school maintained but not provided by a local education authority in which fees were charged immediately before that day, the average yearly sum paid to the managers under section fourteen

of the Education Act, 1902, during the five years immediately preceding that day.

(3) Nothing in this section shall affect the provisions of this Act relating to payments by parents with respect to the provision of meals or the medical treatment of children or by parents of blind, deaf, defective and epileptic children.

*Transfers and Closing of Schools.*

Power to transfer school to local education authority.

**38.**—(1) The managers of an elementary school in the area of any local education authority for elementary education may, in manner provided by Part I. of the Fourth Schedule to this Act, make an arrangement with the local education authority for transferring the school to that authority, and the local education authority may assent to the arrangement.

(2) A school transferred under this section shall, to such extent and during such time as the local education authority have, under the arrangement, any control over the school, be deemed to be a school provided by the local education authority.

Re-transfer of schools.

**39.**—(1) Where any elementary school or any interest therein has been transferred in pursuance of such an arrangement as aforesaid, the local education authority may in the manner provided by Part II. of the Fourth Schedule to this Act re-transfer that school or interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before the transfer.

(2) Every school so re-transferred shall cease to be a school provided by a local education authority, and shall be held upon the same trusts on which it was held before it was transferred to the authority.

Provision as to closing of school.

**40.**—(1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school, shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

(2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the schoolhouse shall be put at the disposal

of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the schoolhouse in repair and to pay any outgoings in respect thereof, and to allow the use of the schoolhouse and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the schoolhouse during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eighteen of this Act, to constitute the provision of a new school.

*Endowments of Non-Provided Schools.*

Endowments.

**41.**—(1) Nothing in this Act shall affect any endowment or the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education.

(2) If a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board at the cost of the local education authority.

(3) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of elementary education in the parish or parishes which, in the opinion of the

council, are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

The foregoing provisions of this subsection shall not apply to the administrative county of London, but the Board of Education may, on the application of the trustees of the endowment or of the local education authority, direct that any money, which would be payable to the county council under this section, shall be applied in manner provided by a scheme made by the Board, if the Board consider it expedient to make such a scheme; and in any such scheme due regard shall primarily be had to the interests of the locality for which the benefits of the endowment were intended.

## Part IV.

## School Attendance.

### *Duty of Parent.*

Declaration of duty of parent to educate child.

**42.** It shall be the duty of the parent of every child between the ages of five and fourteen, or, if a byelaw under this Act so provides, between the ages of six and fourteen, to cause that child to receive efficient elementary instruction in reading, writing, and arithmetic.

Duty of local education authority to take proceedings for enforcing duty of parent.

**43.**—(1) It shall be the duty of the local education authority for elementary education, after due warning to the parent, to complain to a court of summary jurisdiction with a view to obtaining a school attendance order under this Act in the following cases:—

(*a*) If the parent of any such child habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(*b*) If any such child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals.

(2) Where the local education authority are informed by any person of any child in their area who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act to an industrial school, it shall be the duty of the local

education authority to take proceedings accordingly, unless the local education authority think that it is inexpedient to take such proceedings:

Provided that nothing in this subsection shall relieve the local education authority from the responsibility of performing their duty under the other provisions of this Act.

School attendance order.

**44.** Where complaint is made by a local education authority in pursuance of the duty imposed on them under this Act to a court of summary jurisdiction with a view to obtaining a school attendance order under this Act, the court may, if they are satisfied of the truth of the complaint, make an order (in this Act referred to as a school attendance order) ordering that the child, to whom the complaint relates, do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

Proceedings on disobedience to order of court for attendance at school.

**45.** Where a school attendance order is not complied with without any reasonable excuse, a court of summary jurisdiction, on complaint made by the local education authority, may, if they think fit, order as follows:—

(*a*) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a fine not exceeding with the costs twenty shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a fine, order the child to be sent to a certified day industrial school, or, if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(*b*) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then

to a certified industrial school, and may further in their discretion inflict any such fine as aforesaid, or they may for each such non-compliance inflict any such fine as aforesaid without ordering the child to be sent to an industrial school:

Provided that—

(i) a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the local education authority at any less interval than two weeks; and

(ii) the court in lieu of ordering the child to be sent to an industrial school may make an order for the committal of the child to the care of a relative or other fit person in accordance with the provisions of section fifty-eight of the Children Act, 1908. 8 Edw. 7. c. 67.

*Byelaws.*

Duty of local education authority to make byelaws.

**46.**—(1) It shall be the duty of the local education authority to make and enforce byelaws for their area respecting the attendance of children at school under this Act.

(2) Byelaws under this Part of this Act shall be made requiring the parents of children between the age of five years and such age not being less than fourteen nor more than fifteen as may be fixed by the byelaws, to cause those children (unless there is some reasonable excuse) to attend school at such times as may be determined by the byelaws.

(3) Where a byelaw requires the parents of children between the ages of fourteen and fifteen to cause those children to attend school, the byelaw may apply either generally to all such children or to children other than those employed in any specified occupations, and it shall be lawful for the local education authority to grant exemption from the obligation to attend school to individual children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where, after due inquiry, the circumstances seem to justify such an exemption.

(4) Byelaws under this Part of this Act—

(*a*) shall not prevent the withdrawal of any child from any religious observance or instruction in religious subjects; and

(*b*) shall not require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs; and

(*c*) may provide that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six.

(5) Penalties, to be recovered summarily, may be imposed by the byelaws for any breach thereof, not exceeding a fine for each offence of such sum as with costs will amount to twenty shillings.

(6) Where the local education authority are the council of a county, they may, if they think fit, make different byelaws for different parts of their area.

Powers of Board of Education in case of default of authority.

**47.** If at any time it appears to the Board of Education that in the area of any local education authority, or in any part of that area, there are no byelaws under this Act in force, the Board may either exercise the powers given to them by this Act for enforcing the duties of a local education authority, or may themselves make byelaws respecting the attendance of children at school in that area or part of an area, and the byelaws so made shall have effect and be enforced as if they had been made by the local education authority for that area or part of an area and sanctioned by the Board in pursuance of this Act.

Procedure as to approval of byelaws.

**48.**—(1) Byelaws made under this Part of this Act shall not come into operation until they have been sanctioned by the Board of Education, and it shall be lawful for the Board to approve the byelaws, and thereupon the byelaws shall have effect as if they were enacted in this Act.

(2) A local education authority, not less than one month before submitting any such byelaw for the approval of the Board of Education, shall deposit a printed

copy of the proposed byelaws at the office of the authority for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of the deposit.

(3) The Board of Education, before approving any byelaws, shall be satisfied that the deposit has been made and notice published, and shall cause such inquiry to be made in the area of the local education authority as the Board think requisite.

(4) In considering whether approval shall be given to any byelaw providing that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six, the Board of Education shall have regard to the adequacy of the provision of nursery schools for the area to which the byelaw relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry for the purpose of determining whether the byelaw should be approved.

(5) All byelaws sanctioned by the Board of Education under this section shall be set out in an appendix to the annual report of the Board of Education.

Definition of reasonable excuse.

**49.** Any of the following reasons shall be a reasonable excuse for the purposes of this Act and the byelaws made thereunder, namely:—

(*a*) That the child has been prevented from attending school by sickness or any unavoidable cause;

(*b*) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of the child, as the byelaws may prescribe;

(*c*) In the case of non-compliance with a byelaw requiring a parent to cause his child to attend school, that the child is under efficient instruction in some other manner:

Provided that where the local education authority provides suitable means of conveyance for a child between a reasonable distance of its home and a public elementary school, it shall not be a reasonable excuse within the meaning of this section that there is no public elemen-

tary school open which the child can attend within such prescribed distance as aforesaid.

*Application to Children in Canal Boats.*

Application to children in canal boats. 40 & 41 Vict. c. 60. 47 & 48 Vict. c. 75.

**50.**—(1) A child in a canal boat, registered in pursuance of the Canal Boats Acts, 1877 and 1884, and his parent, for the purposes of this Part of this Act, shall be deemed, subject as hereinafter mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any byelaws under this Part of this Act for the time being in force in that place:

Provided that if the parent satisfies the local education authority that the child is actually attending school, or is receiving efficient elementary instruction in the area of some other education authority, the first-mentioned local education authority shall grant him, without charge, a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the area in which the child is so attending school or receiving efficient instruction and shall be subject to any byelaws in force in that area.

(2) Such certificate as aforesaid may, on application by the parent, be rescinded or varied by the local education authority for the area comprising the place to which the boat is registered as belonging, and may be rescinded without application by the local education authority if they are satisfied, after due notice to the parent that the child is not properly attending school or receiving efficient elementary instruction in the area mentioned in the certificate.

(3) The Board of Education shall have power to make regulations with respect to the form of certificates or passbooks as to attendance at school to be used by children in canal boats, but no such regulations shall come into force until they have lain before both Houses of Parliament for forty days during the session of Parliament, and the Board shall take steps to enable all persons interested in any regulations made as aforesaid to obtain copies thereof at such places in the neighbourhood of canals as the Board may prescribe on payment of such sum, not exceeding sixpence, as may be prescribed by the Board.

(4) The Board of Education shall every year report to Parliament as to the manner in which this Part of this Act is enforced with respect to children in canal boats, and shall for that purpose direct His Majesty's inspectors to communicate with local education authorities in their district.

## Part V.

## Blind, Deaf, Defective, and Epileptic Children.

### *Education of Blind and Deaf Children.*

Duty of parent as to blind and deaf children.

**51.**—(1) The duty of a parent under Part IV. of this Act to cause his child to receive efficient elementary instruction shall, in the case of a blind or deaf child, include the duty to cause the child to receive instruction suitable to such a child.

(2) The fact of a child being blind or deaf (except in the case of a deaf child under seven years of age), or the fact that there is not within any particular distance from the residence of a blind or deaf child any public elementary school which the child can attend, shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

Duty of local education authority with respect to blind and deaf children.

**52.**—(1) It shall be the duty of the local education authority for elementary education to enable blind and deaf children resident in their area, for whose elementary education efficient and suitable provision is not otherwise made, to obtain that education in some school for the time being certified by the Board of Education as suitable for providing that education, and for that purpose either to establish or acquire and to maintain a school so certified, or to contribute, on such terms and to such extent as may be approved by the Board, towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of those purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Board, for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education.

(2) The duty of a local education authority under this section shall not extend to children who are—

(*a*) idiots or imbeciles; or

(*b*) resident in a workhouse or in any institution to which they have been sent by a board of guardians from a workhouse; or

(*c*) boarded out by guardians.

(3) Where a local education authority contribute under this section to the establishment, enlargement, or alteration of a certified school, the terms of contribution approved by the Board of Education—

(*a*) shall, where the school is maintained by another authority, include security for repayment of the value of the contribution in the event of the school ceasing to be certified; and

(*b*) may include provision for representation of the contributing local education authority on the governing body of the school to which they contribute, in cases where that representation appears to the Board to be practicable and expedient.

(4) For the purposes of this Part of this Act relating to blind and deaf children, a child resident in a school or boarded out in pursuance of this Act shall be deemed to be resident in the area from which the child is sent.

*Education of Defective and Epileptic Children.*

Obligation of parent as to defective and epileptic children.

**53.** The duty of a parent under Part IV. of this Act to cause his child to receive efficient elementary instruction shall, in the case of a defective or epileptic child over seven years of age in any place where a special class or school certified by the Board of Education for defective or epileptic children, as the case requires, is within reach of the child's residence, include the duty to cause the child to attend such a class or school, and a parent shall not be excused from this duty by reason only that a guide or conveyance for the child is necessary.

Enforcement of duties of parents of defective and epileptic children.

**54.**—(1) If a local education authority for elementary education are satisfied, after consultation with the parent of a defective or epileptic child over seven years of age, that the parent is not making suitable provision for the child's education, they may require the parent of the child to send the child to a certified class or school suitable for the child, and, if he fails without reasonable excuse to do so, may by complaint apply to a court of

summary jurisdiction for an order requiring the child to be sent to a certified class or school suitable for the child and willing to receive him, being either such as the parent may select, or, if he does not select a suitable class or school, then such class or school as the court think expedient, and such an order shall be a sufficient authority for the conveyance of the child to the class or school named in the order:

Provided that—

(i) no order shall be made requiring the child to be sent to a certified class or school which is not within reach of the child's residence or to a boarding school without the consent in writing of the parent, unless it is proved to the satisfaction of the court that such consent is unreasonably withheld, or that the parent cannot be found, but consent shall not be deemed to be unreasonably withheld if withheld with the bonâ fide intention of benefiting the child:

(ii) if the court refuse to make an order, the court, unless for good cause they may otherwise order, shall award costs to the parent, and the costs so awarded shall, unless some reason to the contrary appears, include such sum as compensation for the expense, trouble, and loss of time incurred in or incidental to his attendance at the court as to the court may seem just and reasonable.

(2) The provisions of this section shall be in substitution for, and not in addition to, the power of a court of summary jurisdiction, on an attendance order not being complied with, to order the child to be sent to an industrial school under Part IV. of this Act.

(3) Nothing in this section shall be construed as affecting the power of a parent to withdraw a child from school on proof to the satisfaction of the local education authority that he will make suitable provision for the child's education in some other way.

Duty of local education authority to determine what children are

**55.**—(1) A local education authority shall, with the approval of the Board of Education, make arrangements for ascertaining—

(*a*) what children in their area, not being imbecile, and not being merely dull or backward, are

defective or epileptic.

defective, that is to say, what children by reason of mental or physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of that defect of receiving benefit from instruction in such special classes or schools as under this Part of this Act may be provided for defective children; and

(*b*) what children in their area are epileptic children, that is to say, what children, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

(2) The local education authority, in making their arrangements under this section, shall provide facilities for enabling any parent, who is of opinion that his child ought to be dealt with under this Part of this Act, to present the child to the local education authority to be examined, although he may not have been required so to do by that authority; and any local education authority failing to provide those facilities shall be deemed to have acted in contravention of this Part of this Act.

(3) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this section, a certificate to that effect by a duly qualified medical practitioner approved by the Board of Education shall be required in each case, and the duly qualified medical practitioner shall, if so directed by the local education authority, or, if he is so requested by the parent of the child, before giving a certificate under this section, consult the head teacher of the school, if any, which the child has been attending, or such other person as the local education authority may appoint for the purpose, and a copy of any report made by the head teacher or such other person shall be forwarded to the local education authority.

The certificate shall be in such form as may be prescribed by the Board of Education.

(4) In any legal proceedings by a local education authority, the production of a certificate, purporting to be signed by a duly qualified medical practitioner approved by the Board of Education under this section, to the effect that a child is defective or epileptic within the meaning of this section, shall be sufficient evidence of the facts therein stated, unless the parent or guardian of the child referred to in the certificate requires the medical

practitioner to be called as a witness; but it shall be lawful for the parent or guardian to give evidence in proof that the certificate is incorrect:

Provided that, when a child is discharged from a special school or class on the ground that he is no longer defective or epileptic, the local education authority shall return to the parent of the child any certificate certifying that the child was defective or epileptic, and such certificate shall not be received in evidence in any legal proceedings without the consent of the child or the parent.

(5) For the purpose of the exercise of the powers conferred by this section, it shall be the duty of the parent of any child, who may be required by the local education authority to be examined, to cause the child to attend the examination, and any parent who fails to comply with any such requirement shall be liable to a fine not exceeding five pounds.

(6) In case of doubt as to whether a child is or is not defective or epileptic within the meaning of this Part of this Act, the matter shall be determined by the Board of Education.

(7) The local education authority shall also perform such duties in relation to defective children within the meaning of the Mental Deficiency Act, 1913, as are imposed on them by that Act. 3 & 4 Geo. 5. c. 28.

Duty of local education authority to provide for education of defective and epileptic children.

**56.**—(1) Where a local education authority have ascertained that there are in their area defective or epileptic children, they may, and in the case of defective or epileptic children over the age of seven shall, make provision for the education of those children by establishing schools certified by the Board of Education for such children, or in the case of epileptic children over the age of seven or of defective children, either by establishing such schools or by either of the following means:—

(*a*) By classes in public elementary schools certified by the Board of Education as special classes for such children; or

(*b*) By boarding out, subject to the regulations of the Board, any such child in a house conveniently near to a special class or school certified by the Board for such children.

(2) The duty of a local education authority under this section shall not include—

(i) a duty to make provision for boarding and lodging a defective or epileptic child unless the Board of Education are satisfied, after considering the report of a duly qualified medical practitioner approved by the Board under the last preceding section, and after consultation with the local education authority, that suitable provision for the child's education cannot be made in any other way, and unless the grants payable out of moneys provided by Parliament in respect of a defective or epileptic child so boarded and lodged, amount to not less than one-half of the cost of conveying such child to and from any school so provided, and of educating, boarding, and lodging and medically attending and treating that child (including, in the case of a school provided by a local education authority, expenditure out of income by the authority by way of interest on or repayment of capital raised, or by way of rent or other similar payment, for the purposes of the provision of the school); or

(ii) a duty to establish a certified school for boarding and lodging defective or epileptic children, unless the Board of Education are satisfied, after considering the reports of such medical practitioners, and after such consultation as aforesaid, that there are not less than forty-five such children belonging to the area for whose education suitable provision cannot be made in any other way; or

(iii) in the case of a county council, other than the London County Council, a duty to establish certified schools for boarding and lodging physically defective or epileptic children before the first day of April nineteen hundred and twenty-seven.

(3) The power conferred by this section shall include power to establish or acquire and to maintain schools certified by the Board of Education for defective or epileptic children, and to contribute on such terms and to such extent as may be approved by the Board, towards

the establishment, enlargement, or alteration, and towards the maintenance of schools so certified.

(4) A local education authority may in respect of children resident in, or whose permanent home is in their area and attending special classes or schools certified by the Board of Education for defective or epileptic children and situated in the area of another local education authority, contribute to that other authority the proportionate cost of the provision and maintenance of those special classes or schools.

(5) The local education authority acting under this section shall make provision for the examination, from time to time, of any child dealt with under this section, in order to ascertain whether that child has attained such a mental and physical condition as to be fit to attend the ordinary classes of public elementary schools; and the local education authority shall make provision for that examination in the case of any child whose parent claims the examination of his child, provided that the parent shall not make that claim within less than six months after his child has been examined; and any local education authority failing to make such provision as this subsection requires shall be deemed to have acted in contravention of this Part of this Act.

Discontinuance of certified school.

**57.** In the event of a local education authority proving to the satisfaction of the Board of Education that the average attendance of defective or epileptic children at a certified class or school provided by such authority has, during the previous three years, been less than fifteen, it shall be lawful for such authority to discontinue the maintenance thereof, and thereupon the authority shall make such alternative provision for the defective and epileptic children belonging to their area as the Board, after consultation with such authority, may approve.

Consultation of parents and co-operation with other authorities and persons.

**58.**—(1) A local education authority, before deciding what provision shall be made for the education of a defective or epileptic child, shall endeavour to ascertain the wishes of the parents of the child and shall, so far as possible, give effect to their wishes.

(2) A local education authority, in the exercise and performance of their powers and duties with respect to

defective and epileptic children under this Part of this Act, shall have regard to the existing supply of certified schools and classes, and shall, so far as possible, co-operate with other authorities or persons providing or having power to provide certified schools and classes.

Limitation on liability of local education authority.

**59.** Nothing in this Part of this Act shall be construed as imposing a duty on a local education authority to receive in a special class or school established by them for defective or epileptic children any defective or epileptic child—

(*a*) who is resident in, or whose permanent home in their opinion is in, the area of another local education authority; or

(*b*) who is resident in a workhouse or in any institution to which he has been sent by the guardians from a workhouse, or boarded out by the guardians;

unless that other local education authority or the guardians, as the case may be, are willing to contribute towards the expenses of the education and maintenance of the child such sum as may be agreed on between the authorities concerned.

Determination of residence.

**60.**—(1) For the purposes of the provisions of this Part of this Act relating to defective and epileptic children, a child shall be deemed to belong to the area in which the residence or permanent home of the child is for the time being situate:

Provided that, in the case of a child in a school or boarded out in pursuance of those provisions, the local education authority who are making provision for his education shall continue liable to make such provision pending the determination of any question which may be referred to the Board of Education under this section.

(2) If any question arises as to the area to which a child is, for the purposes of those provisions, to be deemed to belong, that question shall be determined by the Board of Education, and the Board on determining the question may direct such financial adjustments between the local education authorities concerned as they may consider just.

*General Provisions as to Education of Blind, Deaf, Defective, and Epileptic Children.*

Period of education for blind, deaf, defective, and epileptic children.

**61.** For the purposes of this Act the period of compulsory education shall, in the case of a blind, deaf, defective, or epileptic boy or girl, extend to the time when such boy or girl attains the age of sixteen years, and the attendance of such boy or girl at school may be enforced as if it were required by byelaws made under Part IV. of this Act.

Powers for providing special schools.

**62.** A local education authority for elementary education shall have the same powers in relation to the provision of schools for the purposes of this Part of this Act as they have in relation to the provision of school accommodation under Part III. of this Act.

Conditions and effect of grant of certificate to school for blind, deaf, defective, or epileptic children.

**63.**—(1) A school shall not be certified by the Board of Education as suitable for providing elementary education for blind or deaf children, or as a school for defective or epileptic children,—

(*a*) if it is conducted for private profit; nor

(*b*) unless it is either managed by a local education authority, or the annual expenses of its maintenance are audited and published in accordance with regulations of the Board of Education; nor

(*c*) unless it is open at all times to the inspection of His Majesty's inspectors of schools and of any visitors authorised by any local education authority sending children to the school; nor

(*d*) unless the requirements of this Part of this Act are complied with in the case of the school.

(2) Every school so certified may for the purposes of the provisions of this Act relating to school attendance orders, in the case of children to whom this Part of this Act applies, be treated as if it were a public elementary school.

(3) Every such certificate shall be annual.

Provisions as to religious instruction.

**64.**—(1) If and so far as the school, which a child is required to attend in pursuance of this Part of this Act, is not a public elementary school, it must, in all matters relating to the religious instruction and observances of the child, be conducted in accordance with the rules applying to industrial schools, except that in the provisions of the Children Act, 1908, relating to industrial schools, and the rules made thereunder, references to the Secretary of State shall be construed as references to

the Board of Education; and any local education authority may provide and maintain for the purposes of this Part of this Act a school so conducted.

(2) Every rule made under this section shall be forthwith laid before both Houses of Parliament.

(3) In selecting a school under this Part of this Act the local education authority shall be guided by the rules relating to industrial schools, laid down by the Children Act, 1908, and if a child is boarded out in pursuance of this Part of this Act, the local education authority shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent.

(4) Where a child is required in pursuance of this Part of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

Liability of parent for expenses of blind, deaf, defective, or epileptic child.

**65.**—(1) Where the local education authority incur any expense under this Part of this Act in respect of any blind, deaf, defective, or epileptic child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the duty of the local education authority to provide a sufficient amount of public school accommodation without payment of fees, may be agreed on between the local education authority and the parent, or, if the parties fail to agree, as may, on the application of either party be settled by a court of summary jurisdiction, and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the local education authority summarily as a civil debt.

(2) It shall be the duty of the local education authority to enforce any order made under this section, and any sum received by a local education authority under this section may be applied by that authority in aid of their general expenses.

(3) A court competent to make an order under this section may at any time revoke or vary any order so made.

Saving for rights of parents.

**66.** Payments under this Part of this Act in respect of a blind, deaf, defective, or epileptic child shall not be made on condition of the child attending any school

certified by the Board of Education for blind, deaf, defective, or epileptic children, as the case may be, other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular school so certified.

Grants from public money towards education of blind, deaf, defective, and epileptic children.

**67.** Nothing in this Act shall prevent the Board of Education from giving aid from the parliamentary grant to a certified school in respect of education given to blind, deaf, defective, or epileptic children under this Part of this Act, to such amount and on such conditions as may be directed by or in pursuance of the regulations of the Board in force for the time being.

Particulars to be included in report to Parliament.

**68.** The Board of Education shall in their annual report to Parliament, furnish particulars of their proceedings under this Part of this Act, and give lists of the schools and classes to which they have granted or refused certificates under this Part of this Act during the year to which the report relates, with their reasons for each such refusal.

Interpretation of terms in Part V.

**69.** In this Part of this Act, unless the context otherwise requires—

The expression "blind" means too blind to be able to read the ordinary school books used by children:

The expression "deaf" means too deaf to be taught in a class of hearing children in an elementary school:

The expression "school" includes any institution in which blind, deaf, defective, or epileptic children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a school certified as a school for blind, deaf, defective, or epileptic children or in a special class certified as a special class for defective or epileptic children:

The expression "elementary education" may include industrial training, whether given in the school which the child attends or not:

The expression "expenses," when used in relation to a child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding out of the child while so attending and the expenses of conveying the child to or from the school.

## PART VI.

## HIGHER EDUCATION.

### *General Powers.*

Power to aid higher education.

**70.**—(1) The local education authority for higher education shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of higher education, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of their share of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, as amended by section seventeen of the Finance Act, 1907, and section seventeen of the Revenue Act, 1911, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit.

53 & 54 Vict. c. 60.
7 Edw. 7. c. 13.
1 Geo. 5. c. 2.

(2) The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of higher education:

Provided that the amount raised for the purpose of higher education in any year by the council of a non-county borough or urban district out of rates under this section shall not exceed the amount which would be produced by a rate of one penny in the pound.

(3) A council, in exercising their powers under this Part of this Act, shall have regard to any existing supply of efficient schools or colleges and to any steps taken before the Education Act, 1902, came into operation for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891.

52 & 53 Vict. c. 76.
54 & 55 Vict. c. 4.

General provision as to higher education powers

**71.** The power of a local education authority to supply or aid the supply of higher education under this Act includes—

(*a*) the power to train teachers and to supply or aid the supply of any education, other than education in a public elementary school or other school of a class which a local education authority for elementary education have power under this Act to provide; and

(*b*) the power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area; and

(*c*) the power to provide or assist in providing scholarships (which term includes allowances for the maintenance) for, and to pay or assist in paying the fees of, students at schools or colleges or hostels within or without that area.

Religious instruction.

**72.**—(1) A council, in the application of money under this Part of this Act, shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council.

(2) No pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council.

(3) No catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel provided by the council, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council; but in the exercise of this power no unfair preference shall be shown to any religious denomination.

(4) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act,

(*a*) a scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(*b*) the times for religious worship or for any lesson on a religious subject, shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

Transfer of schools for science and art.

**73.**—(1) The managers of a school or institution for science and art may make an arrangement in manner provided by Part I. of the Fourth Schedule to this Act

with a council having powers under this Act with respect to higher education for the transfer of the school or institution to that council, and the council may assent to the arrangement and give effect thereto.

(2) For the purposes of this Act, the expression "a school or institution for science and art" means a school for science and art or a school for science or for art or an institution to which the Literary and Scientific Institutions Act, 1854, applies, and in relation to any such school or institution the expression "managers" includes all persons who have the management of the school or institution whether the legal interest in the site and buildings of the school or institution is or is not vested in them.

17 & 18 Vict. c. 112.

Power to aid research.

**74.** With a view to promoting the efficiency of teaching and advanced study, a local education authority for higher education may aid teachers and students to carry on any investigation for the advancement of learning or research in or in connection with an educational institution, and with that object may aid educational institutions.

*Continuation Schools.*

Establishment of continuation schools.

**75.**—(1) It shall be the duty of the local education authority for higher education, either separately or in co-operation with other local education authorities, to establish and maintain, or secure the establishment and maintenance under their control and direction, of a sufficient supply of continuation schools in which suitable courses of study, instruction, and physical training are provided without payment of fees for all young persons resident in their area who are, under this Act, under an obligation to attend such schools.

(2) The council of any county shall, if practicable, provide for the inclusion of representatives of local education authorities for elementary education, in any body of managers of continuation schools within the area of those authorities.

Compulsory attendance at continuation schools.

**76.**—(1) Subject as hereinafter provided, all young persons shall attend such continuation schools at such times, on such days, as the local education authority of

the area in which they reside may require, for three hundred and twenty hours in each year, distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours, distributed as aforesaid, as the local education authority, having regard to all the circumstances, consider reasonable:

Provided that—

(*a*) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period; and

(*b*) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty.

(2) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning: Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(3) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

(4) In considering what continuation school a young person shall be required to attend, a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school.

Where, as respects any area or part of an area, or any class of persons in an area or part of an area, the provisions of the Education Act, 1918, corresponding to this section have come into operation before the commencement of this Act, this section shall, as respects such area or part of an area or class of persons, have effect as if the appointed day were the date on which those provisions came into force with respect to such area or part of an area or class of persons.

8 & 9 Geo. 5. c. 39.

Exemptions from attendance at continuation schools.

**77.**—(1) Any young person—

(i) who is or was above the age of fourteen years on the appointed day within the meaning of the last foregoing section; or

(ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such a scheme,

in accordance with the provisions of any interim scheme approved by the Board of Education; or

(iii) who is above the age of sixteen years and either—

(*a*) has passed the matriculation examination of a university of the United Kingdom or an examination recognised by the Board of Education for the purposes of this section as equivalent thereto; or

(*b*) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognised by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.

(2) The obligation to attend continuation schools under this Act shall not apply to any young person—

(i) who is shown to the satisfaction of the local education authority to be under full-time instruction in a school recognised by the Board of Education as efficient or to be under suitable and efficient full-time instruction in some other manner; or

(ii) who is shown to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.

(3) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to

the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attending, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognised by the Board of Education as efficient.

(4) If a young person who is or has been in any school or educational institution, or the parent of any such young person, represents to the Board of Education that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by the last preceding section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board shall consider the representation, and, if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board may refuse to consider any such representation unless the local education authority or the Board are enabled to inspect the school or educational institution in which the instruction is or has been given.

Enforcement of attendance at continuation schools.

78.—(1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.

(2) If a parent of a young person has conduced to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1908, be liable to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds.

**79.**—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools. Administrative provisions relating to continuation schools.

(2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

## Part VII.

## Provisions for Health and Well-being of Scholars.

### *Medical Inspection and Treatment.*

**80.**—(1) It shall be the duty of the local education authority for elementary education, with respect to children educated in public elementary schools, to make or otherwise to secure such adequate and suitable arrangements as may be sanctioned by the Minister of Health for attending to the health and physical condition of such children, and to provide for their medical inspection immediately before, or at the time of, or as soon as possible after, their admission to the school, and on such other occasions as the Minister of Health may direct. Duty of providing medical inspection and treatment.

(2) A local education authority for higher education with respect to children and young persons attending—

(i) secondary schools provided by them ;

(ii) any school to the governing body of which in pursuance of any scheme made under the Welsh Intermediate Education Act, 1889, any payments are made out of any general fund administered by a local education authority as a governing body under that Act, and any school of which a 52 & 53 Vict, c. 40.

local education authority are the governing body under that Act;

(iii) continuation schools under their direction and control; and

(iv) such other schools or educational institutions (not being elementary schools) provided by them as the Minister of Health may direct;

shall have the duty to provide for the medical inspection of such children and young persons immediately before, or at the time of, or as soon as possible after, their admission to the school or institution, and on such other occasions as the Minister of Health may direct, and the power to make such arrangements as may be sanctioned by the Minister of Health for attending to the health and physical condition of such children and young persons.

(3) A local education authority for higher education may exercise the like powers as respects children and young persons attending any school or educational institution, whether aided by them or not, if so requested by or on behalf of persons having the management thereof.

(4) In the exercise of their powers under this section a local education authority may encourage and assist the establishment or continuance of voluntary agencies and associate with themselves representatives of voluntary associations for the purpose, but shall not establish a general domiciliary service of treatment by medical practitioners for children or young persons, and, in making arrangements for the treatment of children or young persons, a local education authority shall consider how far they can avail themselves of the services of private medical practitioners.

Recovery of costs of medical treatment.

**81.**—(1) Where a local education authority provide for the medical treatment of children or young persons attending any school or institution under the last preceding section, there shall be charged to the parent of every child or young person in respect of any treatment provided for that child or young person such an amount not exceeding the cost of treatment as may be determined by the local education authority, and, in the event of payment not being made by the parent, it shall be the duty of the authority, unless they are satisfied that the parent is unable by reason of circumstances other than

his own default to pay the amount, to require the payment of that amount from that parent, and any such amount may be recovered summarily as a civil debt.

(2) Nothing in this section shall be construed as imposing any obligation on a parent to submit his child to medical inspection or treatment under the last preceding section.

*Provision of Meals.*

Power of local education authority to aid school canteen committees in the provision of meals for children.

**82.** A local education authority for elementary education may take such steps as they think fit for the provision of meals for children in attendance at any public elementary school in their area, both on days when the school meets and other days, and for that purpose—

(*a*) may associate with themselves any committee on which the authority are represented, who will undertake to provide food for those children (in this Act called a "school canteen committee"); and

(*b*) may aid that committee by furnishing such land, buildings, furniture, and apparatus, and such officers and servants as may be necessary for the organisation, preparation, and service of such meals;

but, save as hereinafter provided, the authority shall not incur any expense in respect of the purchase of food to be supplied at such meals.

Recovery of cost of meals.

**83.**—(1) There shall be charged to the parent of every child in respect of every meal furnished to that child under this Act such an amount as may be determined by the local education authority, and, in the event of payment not being made by the parent, it shall be the duty of the authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from that parent, and any such amount may be recovered summarily as a civil debt.

(2) The local education authority shall pay over to the school canteen committee so much of any money paid to them by, or recovered from, any parent as may be determined by the authority to represent the cost of the food furnished by the committee to the child of that parent, less a reasonable deduction in respect of the expenses of recovering the same.

Power of local education authority to defray the cost of food in certain cases.

**84.** Where the local education authority resolve that any of the children attending an elementary school within their area are unable by reason of lack of food to take full advantage of the education provided for them, and have ascertained that funds other than public funds are not available or are insufficient in amount to defray the cost of food furnished in meals under this Act, they may spend out of the rates such sum as will meet the cost of the provision of such food.

Provisions as to teachers.

**85.** No teacher seeking employment or employed in a public elementary school shall be required as part of his duties to supervise or assist, or to abstain from supervising or assisting, in the provision of meals, or in the collection of the cost thereof.

*Miscellaneous Powers.*

Power to promote social and physical training.

**86.** For the purpose of supplementing and reinforcing the instruction and social and physical training provided by the public system of education, and without prejudice to any other powers, a local education authority for elementary education as respects children attending public elementary schools, and a local education authority for higher education as respects other children and young persons and persons over the age of eighteen attending educational institutions, may, with the approval of the Board of Education, make arrangements to supply or maintain or aid the supply or maintenance of—

(*a*) holiday or school camps, especially for young persons attending continuation schools;

(*b*) centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the local education authority), school baths, school swimming baths;

(*c*) other facilities for social and physical training in the day or evening.

Cleansing of verminous children.

**87.**—(1) A local education authority for elementary education may direct their medical officer, or any person provided with and, if required, exhibiting the authority in writing of their medical officer, to examine in any public elementary school provided or maintained by the authority the person and clothing of any child attending the school, and, if on examination the medical officer, or

any such authorised person as aforesaid, is of opinion that the person or clothing of any such child is infected with vermin or is in a foul or filthy condition, the local education authority may give notice in writing to the parent of the child, requiring him to cleanse properly the person and clothing of the child within twenty-four hours after the receipt of the notice.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within such twenty-four hours, the medical officer, or some person provided with and, if required, exhibiting the authority in writing of the medical officer, may remove the child referred to in the notice from any such school, and may cause the person and clothing of the child to be properly cleansed in suitable premises and with suitable appliances, and may, if necessary for that purpose, without any warrant other than this section, convey to such premises and there detain the child until the cleansing is effected.

(3) Where any sanitary authority within the district of a local education authority have provided, or are entitled to the use of, any premises or appliances for cleansing the person or clothing of persons infested with vermin, the sanitary authority shall, if so required by the local education authority, allow the local education authority to use such premises and appliances for the purpose of this section upon such payment (if any) as may be agreed between them or, in default of agreement, settled by the Minister of Health.

(4) Where, after the person or clothing of a child has been cleansed by a local education authority under this section, the parent of the child allows him to get into such a condition that it is again necessary to proceed under this section, the parent shall be liable to a fine not exceeding ten shillings.

(5) Where a local education authority give notice under this section to the parent of a child, requiring him to cleanse the person and clothing of the child, the authority shall also furnish him with written instructions describing the manner in which the cleansing may best be effected.

(6) The examination and cleansing of girls under this section shall only be effected by a duly qualified medical practitioner or by a woman duly authorised as hereinbefore provided.

(7) For the purposes of this section "medical officer" means any officer appointed under this Act for the purpose of the medical inspection of children attending a public elementary school.

Provision of conveyances and guides.

**88.**—(1) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children or other scholars attending school or college whenever the council consider such provision or payment required by the circumstances of their area or of any part thereof.

(2) A local education authority for elementary education may provide guides or conveyances for children who, in the opinion of the authority, are, by reason of any physical or mental defect, unable to attend school without guides or conveyances.

Power to pay expenses of prosecution for cruelty.

**89.** The powers of a local education authority for elementary education shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

## PART VIII.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

Power to make byelaws for regulating the employment of children.

**90.**—(1) A local education authority for elementary education may make byelaws—

(i) prescribing for all children under the age of fourteen, or for boys and girls under that age separately, and with respect to all occupations or to any specified occupation,—

(*a*) the age below which employment is illegal; and

(*b*) the hours between which employment is illegal; and

(*c*) the number of daily and weekly hours beyond which employment is illegal:

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children under the age of fourteen in any specified occupation.

(2) Byelaws made under this section shall not apply to children lawfully employed in any factory, workshop,

mine, or quarry on the day when section fourteen of the Education Act, 1918, came into operation whilst so employed.

Power to make byelaws for the regulation of street trading.

**91.**—(1) A local education authority for elementary education may make byelaws with respect to street trading by children and young persons under the age of sixteen, and may by such byelaws—

(*a*) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the byelaw, or subject to the holding of a licence to trade to be granted by the local education authority;

(*b*) regulate the conditions on which such licences may be granted, suspended, and revoked;

(*c*) determine the days and hours during which, and the places at which, such street trading may be carried on;

(*d*) require such street traders to wear badges;

(*e*) regulate generally the conduct of such street traders:

Provided as follows:—

(i) The grant of a licence or the right to trade shall not be made subject to any conditions having reference to the poverty or general bad character of the person applying for a licence or claiming to trade;

(ii) The local education authority, in making byelaws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

(2) For the purposes of this Part of this Act the expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blacking, and any other like occupation carried on in streets or public places.

General restrictions on the employment of children.

**92.**—(1) A child under the age of twelve shall not be employed, and a child between the ages of twelve and fourteen shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

Provided that a local education authority for elementary education may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon.

(2) A child under the age of fourteen shall not be employed—

(*a*) in street trading;

(*b*) to lift, carry, or move anything so heavy as to be likely to cause injury to the child;

(*c*) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(3) If the local education authority for elementary education send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

Power to require suspension of employment of scholars at continuation schools.

**93.** The local education authority for higher education may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school:

Provided that if any question arises between the local education authority and the employer of a young person whether a requirement made under this section

is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

Further restrictions on employment of children.

**94.**—(1) The local education authority for elementary education, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable to a fine not exceeding forty shillings.

Restriction on employment of children and young persons attending school.

**95.** No person—

(*a*) shall employ a child in such a manner as to prevent the child from attending school according to this Act and the byelaws made thereunder in force in the district in which the child resides; or

(*b*) having received notice of any prohibition or restriction as to the employment of a child issued under the last foregoing section of this Act, shall employ a child in such a manner as to contravene the prohibition or restriction; or

(*c*) shall employ a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

(*d*) shall employ a young person at any time when, in pursuance of any requirement issued under this Act in respect of that young

person in connection with attendance at a continuation school, the employment of that young person must be suspended.

Offences and penalties.

**96.**—(1) If any person employs a child or young person in contravention of the foregoing provisions of this Part of this Act, or of any byelaw made thereunder, he shall be liable to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent of a child or young person has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of any byelaw made under this Part of this Act, as to street trading, he shall be liable to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child under the age of fourteen, to be sent to an industrial school, and, if not such a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the charge or control of the child, and to be committed to the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years, and the provisions of sections twenty-two and twenty-three of the Children Act, 1908, shall, with the necessary modifications, apply to any order for the disposal of a child made under this subsection.

Offences by agents and by parents.

**97.**—(1) Where the offence of taking a child or young person into employment in contravention of the foregoing provisions of this Part of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a fine as if he were the employer.

(2) Where a child or young person is taken into employment in contravention of the foregoing provisions of this Part of this Act on the production by, or with the privity of, the parent of a false or forged certificate, or on the false representation of his parent, that the

child or young person is of an age at which such employment is not in contravention of those provisions, that parent shall be liable to a fine not exceeding forty shillings.

(3) Where an employer is charged with any offence under the foregoing provisions of this Part of this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the said provisions, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) Where it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Part of this Act, at the time of discovering any such offence as aforesaid, that the employer had used all due diligence to enforce compliance with this Part of this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

Power of officer of local authority to enter place of employment.

**98.**—(1) If it appear to any justice of the peace, on the complaint of an officer of the local education authority for elementary education acting under this Part of this Act, that there is reasonable cause to believe that a child or young person is employed in contravention of the foregoing provisions of this Part of this Act in any place, whether a building or not, the justice may by order under his hand empower an officer of the local education authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child or young person therein.

(2) Any person refusing admission to an officer authorised by an order under this section, or obstructing

him in the discharge of his duty, shall for each offence be liable to a fine not exceeding twenty pounds.

Limitation of time.

**99.** An information for an offence under any of the foregoing provisions of this Part of this Act other than section ninety-four or ninety-five shall be laid within three months after the commission of the offence.

Restrictions on children taking part in entertainments, &c.

**100.**—(1) If any person—

(*a*) causes or procures any child or young person being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child or young person, allows that child or young person to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., or in the case of a child under the age of fourteen, between eight p.m. and six a.m.;

(*b*) causes or procures any child under the age of twelve years, or, having the custody, charge, or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in any premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale; or

(*c*) causes or procures any child or young person under the age of sixteen years, or, having the custody, charge, or care of any such child or young person, allows that child or young person to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months :

Provided that—

(i) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace ; and

(ii) A local education authority for elementary education may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (*a*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their area or as to any specified part thereof ; and

(iii) Paragraphs (*b*) and (*c*) of this section shall not apply in any case in respect of which a licence granted under this Part of this Act is in force, so far as that licence extends.

(2) For the purposes of this section—

Any person who is the parent of a child or young person shall be presumed to have the custody of the child or young person ; and

Any person to whose charge a child or young person is committed by its parent shall be presumed to have charge of the child or young person ; and

Any other person having actual possession or control of a child or young person shall be presumed to have the care of the child or young person.

(3) The provisions of the foregoing subsection relating to the parent of a child or young person shall apply to the step parent of the child or young person and to any person cohabiting with the parent of the child or young person in like manner as if such step parent or person were the parent.

(4) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

Licences for children to take part in entertainments.

**101.**—(1) A local education authority for elementary education may, notwithstanding anything in this Part of this Act, or of any byelaw made under that Part, grant a licence for such time and during such hours of the day, and, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, for any child exceeding twelve years of age residing in the area of the authority to take part in any entertainment or series of entertainments in premises licensed according to the law for public entertainments or in any circus or other public place of amusement as aforesaid, if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments. Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) The holder of a licence under this section shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable to a fine not exceeding five pounds.

(3) A licence under this section may be rescinded by the local education authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, may be varied or added to by that authority at the request of the holder of the licence.

(4) If the applicant for a licence under this section or a person to whom such a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section.

(5) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

Licences for training of children as acrobats.

**102.**—(1) A petty sessional court may, notwithstanding anything in this Part of this Act, or any byelaw made under that Part, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as the court think fit, for any child exceeding twelve years of age or young person under the age of sixteen to be trained as an acrobat, contortionist, or circus performer, or to be trained for any exhibition or performance which in its nature is dangerous, if satisfied of the fitness of the child or young person for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children and young persons being trained as aforesaid, and the court may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) Where any person applies for a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(3) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be sent to the local education authority for elementary education for the area in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable to a fine not exceeding five pounds.

(4) In this section the expression "chief officer of police" means—

in the city of London, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere, the chief constable or head constable, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs.

(5) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

Enforcement of restrictions and conditions of licences.

**103.** It shall be the duty of inspectors and other officers charged with the execution of this Part of this Act, to see whether the restrictions and conditions of any licence under the last two foregoing sections are duly complied with, and any such inspector or officer shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child or young person is for the time being licensed under the said sections, as an inspector appointed under the Factory and Workshop Act, 1901, has to enter, inspect, and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly.

1 Edw. 7. c. 22.

Provisions as to offences under sections 100 to 102.

**104.** The following provisions shall have effect with respect to offences under sections one hundred to one hundred and two of this Act:—

(*a*) Any constable may take into custody, without warrant, any person who, within view of such constable, commits any such offence, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; and where a constable so arrests a person the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recog-

nisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge:

(*b*) In any proceeding against any person for any such offence, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence:

(*c*) Where a person is charged with committing any such offence in respect of two or more children or young persons the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child or young person unless upon separate informations:

(*d*) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together:

(*e*) A person shall not be summarily convicted of any such offence unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time:

(*f*) When any such offence charged against any person is a continuous offence, it shall not be necessary to specify in the information or summons the date of the acts constituting the offence:

(*g*) In any proceedings against a person for any such offence a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by such employer, or by his foreman, shall be primâ facie evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid: Provided that such copy or statement has been signed by such employer, or his foreman, and that the signature of such employer, or foreman, has been witnessed by the person producing the said copy or statement.

General provisions as to byelaws.

**105.**—(1) A byelaw made under this Part of this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local education authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local education authority making the byelaw.

(4) Byelaws made under this Part of this Act may apply either to the whole of the area of the local education authority, or to any specified part thereof.

Application of Part VIII. to city of London.

**106.** As respects the city of London the powers and duties of the local education authority for elementary education of carrying into effect this Part of this Act, except those under sections ninety-four and one hundred and one, shall be exercised and performed by the mayor, aldermen, and commons of that city in common council assembled, and any expenses incurred by them in carrying into effect this Part of this Act shall be defrayed out of the general rate.

Powers of giving assistance with respect to the choice of employment.

**107.**—(1) The powers of a local education authority for higher education shall include a power to make arrangements, subject to the approval of the Board of Education, for giving to boys and girls under the age of eighteen assistance with respect to the choice of suitable employment by means of the collection and communication of information and the furnishing of advice.

(2) The council of a county and the council of a non-county borough or urban district who are a local education authority for elementary education, may, as part of their powers in relation to higher education, enter into and carry into effect arrangements or agreements for the co-operation of the council of the borough or district

with the county council in respect of the exercise by the county council of their powers under this section either—

(*a*) by rendering to the county council such assistance as may be arranged or agreed; or

(*b*) by exercising within the borough or district on behalf of the county council all or any of the powers of that council under this section;

and any such arrangement or agreement may amongst other things provide for the proportion in which the expenses incurred under it are to be borne by the councils respectively.

Savings.

**108.**—(1) Nothing in this Part of this Act or in any byelaw made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

(2) The provisions of this Part of this Act shall be in addition to any enactments relating to the employment of children and young persons in factories, workshops, mines and quarries, or for giving effect to any international convention regulating the employment of children and young persons.

## Part IX.

## General.

*Acquisition, appropriation and alienation of Land.*

Power to acquire land.

**109.** A local education authority may for the purposes of their powers and duties under this Act purchase or take on lease any land or any right over land.

Purchase of land by agreement.

**110.** For the purpose of the purchase of land under this Act by agreement the Lands Clauses Acts (except the provisions thereof with respect to affording access to the special Act) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local education authority, and land shall be construed to include any right over land.

Purchase of land compulsorily.

**111.** A local education authority may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under this Act by means of an order

submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in the Fifth Schedule to this Act.

Application of the School Sites Acts.

**112.** For the purpose of the purchase of land under this Act by a local education authority, the School Sites Acts shall apply as if the local education authority were trustees or managers of a school within the meaning of those Acts, and land may be acquired either under the foregoing provisions of this Act or under the School Sites Acts, or partly under the said provisions and partly under the School Sites Acts.

Appropriation of land for educational purposes.

**113.**—(1) A local education authority may—

(i) appropriate, with the consent of the Board of Education, for the purpose of higher education, any land acquired by them for the purposes of elementary education, or taken over by them as successors of a school board; and

(ii) appropriate, with the consent of the Board of Education, for the purposes of elementary education, any land acquired by them for the purpose of higher education, either under this Act or the Education Act, 1902, or for similar purposes under any Act repealed by the last mentioned Act; and

(iii) appropriate, with the consent of, and after inquiry by, the Minister of Health, for any of the purposes of this Act, any land acquired by them otherwise than in their capacity as local education authority.

(2) The council of a non-county borough or urban district may appropriate, with the consent of, and after inquiry by, the Minister of Health, for the purpose of their power to supply or aid the supply of higher education, any land acquired by them under any other power.

(3) The appropriation of land by a local education authority or a council under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(4) Where the capital expenditure in connexion with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been or is charged on, or raised within, any special part of the area of the local

education authority or council, and the Board of Education, or, in the case of land appropriated under this section and acquired by an authority otherwise than in their capacity as local education authority, the Minister of Health, are or is of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the Board of Education, or the Minister of Health, as the case requires, shall order such equitable adjustment in respect thereof to be made as they or he may think right in the circumstances, and the local education authority or council shall comply with any order so made.

Appropriation to other purposes of land acquired for educational purposes.

**114.** The council of any county, borough, or urban district may, with the consent of the Board of Education, appropriate any land held by them in their capacity as local education authority for any of the purposes of the council, otherwise than in their capacity as local education authority approved by the Minister of Health:

Provided that the council shall not on any lands so appropriated—

(*a*) create or permit any nuisance; or

(*b*) sink any well for the public supply of water or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless, after local inquiry and consideration of any objections made by persons affected, the Minister of Health, subject to such conditions as he may think fit and subject in the case of a generating station to the provisions of section eleven of the Electricity (Supply) Act, 1919, authorises the work or construction.

9 & 10 Geo. 5. c. 100.

Alienation of land.

**115.**—(1) The provisions of the Charitable Trusts Acts, 1853 to 1894, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a local education authority for the purposes of elementary education which may not be required by that authority, with this modification, that the Board of Education shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners.

(2) A council shall have power, with the consent of and after inquiry by the Board of Education, to alienate any land acquired or held by them for the purposes of

higher education under this Act or any enactment repealed by this Act, and, in the case of the sale of any such land, the proceeds of sale shall be applied in such manner as the Minister of Health may sanction towards the discharge of any loan of the council under this Act or any enactment repealed by this Act, or otherwise for any purpose for which capital may be applied by the council under this Act.

Purchase of land for purposes of elementary school by managers.

**116.**—(1) The managers of a public elementary school not provided by a local education authority, and, if they obtain the approval of the Board of Education to the establishment of the school, any persons desirous of establishing a public elementary school, may purchase a schoolhouse for the school or a site for the same, and for that purpose the Lands Clauses Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act and the promoters of the undertaking shall be construed to mean the managers, and land shall be construed to include any right over land.

(2) The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of those purposes which may be specified, and for no other purpose whatever.

(3) Land may be acquired in pursuance of this section either under the Lands Clauses Acts or under the School Sites Acts, or any of them, or partly under one such Act and partly under another such Act.

Exemption of assurance of property for educational purposes from restrictions under the Mortmain Acts.

51 & 52 Vict. c. 42.

54 & 55 Vict. c. 73. 55 & 56 Vict. c. 11.

**117.**—(1) Any assurance, as defined by section ten of the Mortmain and Charitable Uses Act, 1888, of land or personal estate to be laid out in the purchase of land for educational purposes, whether made before or after the passing of this Act, shall be exempt from any restrictions of the law relating to mortmain and charitable uses, and the Mortmain and Charitable Uses Acts, 1888 and 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892, shall not apply with respect to any such assurance.

(2) Every assurance of land or personal estate to be laid out in the purchase of land for educational purposes, including every assurance of land to any local authority for any educational purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land, shall be sent to the offices of the Board of Education in London for the purpose of being recorded in the books of the Board as soon as may be after the execution of the deed or other instrument of assurance, or in the case of a will after the death of the testator.

*Finance.*

Education grants.

**118.**—(1) The Board of Education shall, subject to the provisions of this Act, by regulations provide for the payment to local education authorities out of moneys provided by Parliament of annual substantive grants in aid of education of such amount and subject to such conditions and limitations as may be prescribed in the regulations, and nothing in this or any other Act of Parliament shall prevent the Board from paying grants to an authority in respect of any expenditure which the authority may lawfully incur.

(2) Subject to the regulations made under the next succeeding subsection, the total sums paid to a local education authority out of moneys provided by Parliament and the local taxation account in aid of elementary education or higher education, as the case may be, shall not be less than one half of the net expenditure of the authority recognised by the Board of Education as expenditure in aid of which parliamentary grants should be made to the authority, and, if the total sums payable out of those moneys to an authority in any year fall short of one half of that expenditure, there shall be paid by the Board to that authority, out of moneys provided by Parliament, a deficiency grant equal to the amount of the deficiency, provided that a deficiency grant shall not be so paid as to make good to the authority any deductions made from a substantive grant.

(3) The Board of Education may make regulations for the purpose of determining how the amount of any deficiency grant payable under this section shall be ascertained and paid, and those regulations shall, if the Treasury so direct, provide for the exclusion in the ascertainment of that amount of all or any sums paid by any

Government department other than the Board and of all or any expenditure which in the opinion of the Board is attributable to a service in respect of which payments are made by a Government department other than the Board.

(4) If, by reason of the failure of an authority to perform its duties under this Act or to comply with the conditions on which grants are made, the deficiency grant is reduced or a deduction is made from any substantive grant exceeding five hundred pounds or the amount which would be produced by a rate of a halfpenny in the pound, whichever is the less, the Board of Education shall cause to be laid before Parliament a report stating the amount of and the reasons for the reduction or deduction.

(5) Any regulations made by the Board of Education for the payment of grants shall be laid before Parliament as soon as may be after they are made.

(6) The provisions of this section, so far as they relate to grants to local education authorities in respect of medical inspection and treatment, shall have effect as if the Minister of Health were substituted for the Board of Education:

Provided that for the purpose of facilitating the effective exercise and performance of the powers and duties of the Minister in relation to such grants, the Minister may make arrangements with the Board of Education with respect to the payment of such grants, and the powers and duties of the Minister may under any such arrangements be exercised and performed by the Board on behalf of the Minister and with his authority under such conditions as he may think fit.

Grants to nursery schools.

**119.** Notwithstanding the provisions of any Act of Parliament the Board of Education may, out of moneys provided by Parliament, pay grants in aid of nursery schools, provided that such grants shall not be paid in respect of any such school unless it is open to inspection by the local education authority, and unless that authority are enabled to appoint representatives on the body of managers to the extent of at least one-third of the total number of managers, and before recognising any nursery school the Board shall consult the local education authority.

Conditions of parliamentary grants

**120.** Subject to the provisions of the two last foregoing sections, the provisions contained in the Sixth Schedule to this Act shall apply to the making of parliamentary grants to elementary schools.

Powers of governing bodies to comply with conditions as to grants.

**121.** Any provisions contained in any instrument regulating the trusts or management of a school or educational institution, which are inconsistent with the conditions prescribed for the receipt of grants out of moneys provided by Parliament in the regulations of the Board of Education, shall, if the governing body of the school or educational institution apply to the Board for a grant under those regulations, cease to operate or operate subject to such modifications as may be necessary in order to render the instrument consistent with those regulations and as may be made by the governing body, so long as grants are made by the Board under those regulations and during any school year in which the school has been recognised by the Board for the purpose of grants.

Expenses in counties.

**122.**—(1) The expenses of the council of a county under this Act shall, so far as not otherwise provided for, be paid out of the county fund: Provided that, except in the case of the London County Council,—

(*a*) the county council may, if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned), charge any expenses incurred by them under this Act with respect to higher education on any parish or parishes which, in the opinion of the council, are served by the school or college in connexion with which the expenses have been incurred: Provided that, before charging any such expenses on any area situate within a borough or urban district the council of which is a local education authority for elementary education, the county council shall consult the council of the borough or urban district; and

(*b*) the county council shall not raise any sum on account of any expenses incurred by them under this Act as a local education authority for elementary education within any borough or urban district the council of which is the local education authority for that purpose; and

(*c*) the county council may charge such portion as they think fit, not being more than three fourths,

of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school, or in providing means of conveyance for teachers or children attending such a school, on the parish or parishes which, in the opinion of the council, are served by the school; and

(*d*) the county council may raise such portion as they think fit, not being more than three fourths, of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them under the Education Act, 1902, exclusively within the area which formed the school district in respect of which the liability was incurred so far as it is within their area; and

(*e*) a county council may raise any expenses incurred by them to meet any liability of a school authority under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899, which was transferred to the county council by the Education Act, 1902, off the whole of their area or off any parish or parishes which in the opinion of the council are served by the school in respect of which the liability was incurred.

56 & 57 Vict. c. 42.
62 & 63 Vict. c. 32.

(2) Where before the eighth day of August nineteen hundred and eighteen any portion of such expenses as are mentioned in paragraphs (*c*) and (*d*) of subsection (1) of this section had been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.

(3) If the Minister of Health by order declares that expenses incurred for particular purposes specified in the order may, or may not, be treated under this section as expenses incurred in respect of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes if they are treated in accordance with the order.

Expenses in boroughs.

**123.**—(1) The expenses of a council of a borough under this Act shall so far as not otherwise provided for, be paid out of the borough fund or rate, or if no borough

rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate.

(2) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit. 45 & 46 Vict. c. 50.

(3) Where under any local Act the expenses incurred in any borough for the purposes of elementary education are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of that borough under this Act shall be payable out of that fund or rate instead of out of the borough fund or rate.

Expenses in urban districts.

**124.** The expenses of the council of an urban district other than a borough under this Act shall, so far as not otherwise provided for, be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district, according to the rateable value of each parish, subject (so long as they continue in operation) to the provisions of section three of the Agricultural Rates Act, 1896; and the urban district council shall, for the purpose of obtaining payment of those expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of those expenses shall be audited as the other expenses of the council. 59 & 60 Vict. c. 16.

Provisions as to expenses of Orders, &c.

**125.** Any expenses incurred by a council in connexion with any Provisional Order or Order for the purpose of the acquisition of land under this Act, or any enactment repealed by this Act, shall be defrayed as expenses of the council under this Act, and the payment of those expenses shall be a purpose for which the council may borrow money under this Act.

Expenses of educational conferences.

**126.** Any council having powers under this Act may, subject to regulations made by the Board of Education, defray as part of their expenses under this Act any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in con-

nexion with, meetings or conferences held for the purpose of discussing the promotion and organisation of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference: Provided that—

(*a*) the expenses of more than three persons in connexion with any meeting or conference shall not be paid except with the previous sanction of the Board of Education;

(*b*) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council;

(*c*) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference;

(*d*) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorised or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorise or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

Contributions by guardians.

**127.** The board of guardians of any poor law union may contribute towards such of the expenses of providing, enlarging, or maintaining any public elementary school or any special class or school certified by the Board of Education for defective or epileptic children as are certified by the Board to have been incurred wholly or partly in respect of scholars taught at the school or class, who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse, or boarded out by the guardians.

Contribution orders in respect of border children.

**128.**—(1) Where any children resident in the area of any local education authority for elementary education are receiving education in any public elementary school within the area of some other local education authority, the Board of Education may, if they think fit, on the application of that other local education authority (in this

section referred to as the applicant authority), and after giving the first-named local education authority (in this section referred to as the respondent authority) an opportunity of being heard, make a contribution order under this section.

(2) For the purpose of this section, a contribution order means an order directing the respondent authority to pay to the applicant authority annually such sum as the Board of Education think proper in respect of children resident in the area of the respondent authority who, in the opinion of the Board, are properly receiving education in a public elementary school within the area of the applicant authority.

(3) In considering whether children are properly receiving education in a school outside the area in which they reside, the Board of Education shall have regard to the interests of secular instruction, to the wishes of parents as to the education of their children, and to economy of rates.

(4) Any sum due to an applicant authority under a contribution order shall be recoverable as a debt due to that authority from the respondent authority, and the Board of Education may, if they think fit, without prejudice to any other remedy on the part of the applicant authority, pay any such sum to the applicant authority, and deduct any sum so paid from any sums payable to the respondent authority on account of parliamentary grants.

(5) If any question arises between the applicant and respondent authorities as to the amount due in any year under a contribution order, that question shall be referred to the Board of Education, and the decision of the Board shall be final.

(6) The Board of Education may revoke or vary a contribution order on the application either of the applicant authority or of the respondent authority after giving the other authority an opportunity of being heard.

(7) A contribution order shall not be made under this section so as to alter, without the consent of the parties, the effect of any subsisting agreement made between two or more local education authorities with respect to contributions in connexion with the education

within the area of one education authority of children resident within the area of another such authority.

Receipts in respect of schools.

**129.** All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding in the case of schools not provided by the authority sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority.

Receipts and payments of committees and managers.

**130.** Where any receipts or payments of money under this Act are entrusted—

(*a*) by the local education authority to any education committee established under this Act, or to the managers of any public elementary school,

(*b*) by a council having powers under this Act with respect to higher education to the managers of any school provided by them for the purpose of supplying education other than elementary,

the accounts of those receipts and payments shall be, in the former case, accounts of the local education authority, and, in the latter case, accounts of the council under this Act, but the auditor of those accounts shall have the same powers with respect to the managers as he would have if the managers were officers of the local education authority or council.

Audit of accounts of joint educational bodies.

**131.** Where any receipts or payments of money under this Act are entrusted to any joint education committee or joint body established under this Act or any enactment repealed by this Act, or otherwise established by two or more local education authorities, the accounts of those receipts and payments shall, unless in any case the Minister of Health directs to the contrary, or any provisions to the contrary which have been approved by the Minister of Health are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

Borrowing.

**132.**—(1) A council may borrow for the purposes of this Act in the case of a county council as for the purposes

of the Local Government Act, 1888, and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable: 51 & 52 Vict. c. 41.

Provided that in the application of section sixty-nine of the Local Government Act, 1888, to money borrowed under this Act by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which the borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of this Act, or any enactments repealed by this Act, may, if the Minister of Health approves and subject to such conditions as he may impose, be repaid within such period, not exceeding sixty years from the date of the original loan as the Minister of Health may fix

(2) Money borrowed under this Act or any enactment repealed by this Act (including for this purpose loans transferred to a council under the Education Act, 1902) shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the purpose of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875 38 & 39 Vict. c. 55.

(3) Where any arrangement for co-operation or combination between councils under this Act or any enactment repealed by this Act provides for the payment of an annual contribution by one council to another, the contribution shall, for the purposes of this section, form part of the security on which money may be borrowed thereunder.

*Provisions as to Inspection.*

**133.**—(1) Where the managers of any public elementary school not provided by a local education authority desire to have their school inspected or the Inspection of non-provided schools by

inspector not one of His Majesty's inspectors.

scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of His Majesty's inspectors, the managers may fix a day or days not exceeding two in any one year for that inspection or examination.

(2) The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of the day to be conspicuously affixed in the school.

(3) On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

Inspection of secondary schools, &c.

**134.**—(1) The Board of Education may by their officers, or, after taking the advice of the consultative committee hereinbefore mentioned, by any university or other organisation, inspect any school supplying secondary education and desiring to be so inspected, for the purpose of ascertaining the character of the teaching in the school and the nature of the provisions made for the teaching and health of the scholars, and may so inspect the school on such terms as may be fixed by the Board of Education with the consent of the Treasury:

Provided that the inspection of schools established by scheme under the Welsh Intermediate Education Act, 1889, shall, subject to regulations made by the Treasury under section nine of that Act, be conducted as heretofore by the Central Welsh Board for Intermediate Education, and that the said Board shall be recognised as the proper organisation for the inspection of any such schools as may be desirous of inspection under this section.

(2) The council of any county or county borough may out of any money applicable for the purpose of higher education pay or contribute to the expenses of inspecting under the foregoing subsection any school within their county or borough.

(3) If the governing body of any school or educational institution not liable to inspection by any Government department, or, if there is no governing body, the headmaster, requests the Board of Education to

inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit, free of cost; but this subsection shall be without prejudice to the provisions relating to the Central Welsh Board contained in this section.

*Provisions as to Age.*

Certificates of birth for purposes of Act.

**135.** Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of the provisions of this Act relating to elementary education, or for any purpose connected with the elementary education or employment in labour of the child or young person, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Minister of Health, and on payment of a fee of sixpence, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1901, of the birth of the child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

Returns of registrars of births and deaths to local education authorities.

**136.**—(1) Every registrar of births and deaths, when and as required by a local education authority for elementary education, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the authority.

(2) The local education authority may supply a form, approved by the Minister of Health, for the purpose of the return, and in that case the return shall be made in the form so supplied.

(3) The local education authority may pay, as part of their expenses, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

Regulations as to certificates of age.

**137.** The Board of Education may by order make regulations with respect to certificates of age for the purposes of this Part of this Act, and those regulations shall be laid before Parliament as soon as may be after

they are made, and shall be observed by the local education authority and the managers of certified efficient schools.

Provisions for avoidance of broken school terms.

**138.**—(1) If a child who is attending or is about to attend a public elementary school, or a school certified by the Board of Education under Part V. of this Act, attains any year of age during the school term, the child shall not, for the purpose of any enactment or byelaw, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

(2) The local education authority for elementary education may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school, or such certified school as aforesaid, except at the commencement of a school term.

*Legal Proceedings.*

Summary prosecution of proceedings under Act.

**139.** All offences and fines under this Act or the byelaws made thereunder shall be punishable and recoverable on summary conviction.

Powers to enforce attendance of child before court.

**140.** Any justice of the peace may require by summons any parent or employer of a child or young person required by this Act, or by any byelaws, orders or other instruments made thereunder, to attend school, to produce the child or young person before a court of summary jurisdiction, and if any person fails without reasonable excuse to the satisfaction of the court to comply with the summons, he shall be liable in respect of each offence to a fine not exceeding twenty shillings.

Proof of age.

**141.** Where a child or young person is apparently of the age alleged for the purposes of any proceeding under this Act or a byelaw made thereunder, it shall lie on the defendant to prove that the child or young person is not of that age.

Proof of attendance at school.

**142.** Where a local education authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person, who is resident within the area of that authority and attends that school, attends

school in conformity with this Act or any byelaws, orders or other instruments made thereunder, it shall lie on the defendant in any proceeding under this Act to show that the child or young person has attended school in conformity with this Act or with the said byelaws, orders or instruments.

Certificate of teacher as to attendance.

**143.** A certificate purporting to be under the hand of the principal teacher of a public elementary school or continuation school, stating that a child or young person is or is not attending that school, or stating the particulars of the attendance of a child or young person at that school, shall, in any proceeding under this Act or a byelaw made thereunder, be evidence of the facts stated in the certificate.

Conditions as to institution of proceedings.

**144.** No legal proceedings for non-attendance or irregular attendance at school (including a continuation school) shall be commenced in a court of summary jurisdiction by any person appointed to carry out this Act or any byelaws made thereunder, except by the direction of not less than two members of the education committee of a local education authority, or of any sub-committee appointed by that committee for school attendance purposes.

Appearance of local education authority in legal proceedings.

**145.** A local education authority may appear in all legal proceedings by their clerk, or by some member of the authority authorised by resolution of the authority; and every such resolution shall appear upon the minutes of the proceedings of the authority, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon those minutes.

Appearance by member of family.

**146.** Any person may appear in any proceeding under Part IV. or Part V. of this Act or a byelaw made thereunder, by any member of his family or any other person authorised by him in that behalf.

Limitation on right to certain defences.

**147.** It shall not be a defence to proceedings relating to school attendance under this Act or any byelaws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.

*Officers.*

Appointment of officers.

**148.**—(1) A local education authority may appoint necessary officers, including teachers, to hold office during the pleasure of the authority, and may assign to them such salaries or remuneration (if any) as they think fit, and may remove any of those officers.

(2) Two or more local education authorities may arrange for the appointment of the same person to be an officer to both or all those authorities.

(3) Officers appointed under this section shall perform such duties as may be assigned to them by the authority or authorities who appoint them.

School attendance officers.

**149.** A local education authority may, if they think fit, appoint an officer or officers to enforce this Act and any byelaws, orders, or other instruments made thereunder with reference to the attendance of children or young persons at school.

*Enforcement of Duties of Local Education Authority.*

Power to enforce duties of local education authority.

**150.** If the local education authority fail to fulfil any of their duties under this Act, or fail to provide such additional public school accommodation as is, in the opinion of the Board of Education, necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

Powers of Board of Education on default of local education authority in respect of elementary schools.

**151.**—(1) The Board of Education, without prejudice to their right to take any other proceedings, may, if they are satisfied that it is expedient to do so on account of any default of a local education authority in the performance of their duties as respects any elementary school,—

(*a*) make orders for recognising as managers of that school any persons who are acting as managers thereof, and for rendering valid any act, thing, payment, or grant which in the opinion of the Board might otherwise be invalid by reason of the default of the authority, and every such order shall have effect accordingly; and

(*b*) if it appears to the Board that the managers of that school have, for the purpose of maintaining

and keeping efficient the school, incurred any expenses for which provision should have been made by the local education authority, pay to the managers such amount in respect of those expenses as in the opinion of the Board was properly incurred.

(2) Any sums paid by the Board of Education under this section shall be a debt due to the Crown from the local education authority, and, without prejudice to any other remedy, may be deducted from any sums payable to that authority on account of parliamentary grants.

*Returns, Inquiries, Reports and Notices.*

General returns.

**152.**—(1) Every local education authority shall make such report and returns, and give such information to the Board of Education, as the Board may require.

(2) Every council having powers under this Act with respect to higher education, shall give to the Board of Education such information with respect to the exercise of those powers as the Board may from time to time require.

Returns as to school attendance.

**153.**—(1) The managers of a public elementary school shall truly fill up and return in manner required by a local education authority for elementary education any forms supplied to the managers by that authority for the purpose of obtaining reasonable information with respect to the attendance of children residing in their area who attend that school, or shall cause such information to be given as will enable the authority to ascertain whether a child resident within their area and attending that school attends the same in manner required by the byelaws in force in the area.

(2) If the managers fail to fill up and return the forms so supplied or to give the required information, they shall cause to be produced to such member or officer of the local education authority or other person as may be duly authorised in that behalf by the authority at any reasonable time when required by him, the registers and other books and documents containing information with respect to the attendance of children at the school, and shall permit him to inspect and take copies of and extracts from the same.

(3) If any difference arises between a local education authority and the managers of a public elementary school as to whether the information required by the forms is or is not reasonable, that difference shall be referred to the Board of Education, whose decision shall be final.

Preservation of registers.

**154.** The Board of Education may by order make regulations with respect to the preservation of registers of school attendance, and such regulations shall be laid before Parliament as soon as may be after they are made and shall be observed by local education authorities and the managers of certified efficient schools.

Collection of information respecting schools.

**155.**—(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

(*a*) it shall be the duty of the responsible person as hereinafter defined when required by the Board of Education to furnish to the Board such particulars with respect to the school or institution as may be prescribed by regulations made by the Board; and

(*b*) when a school or educational institution not in receipt of grants from the Board of Education is opened after, or has been opened within three months before, the commencement of this Act it shall be the duty of the responsible person as hereinafter defined, to furnish to the Board of Education in a form prescribed by the Board within three months of the opening thereof the name and address of the school or institution and a short description of the school or institution:

Provided that the Board may exempt from the requirements of this subsection any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

(2) If the responsible person fails to furnish any information required by this section, he shall be liable to a fine not exceeding ten pounds, and to a fine not exceeding five pounds for every day on which the failure continues after conviction therefor.

(3) For the purposes of this section, "the responsible person" means the secretary or person performing the

duty of secretary to the governing body of the school or institution, or, if there is no governing body, the headmaster or person responsible for the management of the school or institution.

(4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

Public inquiries by Board of Education.

**156.**—(1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act.

(2) The following provisions shall (except as otherwise provided by this Act) apply to any public inquiry held by the Board of Education:—

(*a*) The Board shall appoint a person or persons to hold the inquiry:

(*b*) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting:

(*c*) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting, seven days at least before the holding thereof:

(*d*) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Board:

(*e*) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Board, to any person interested:

(*f*) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of

the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof:

(*g*) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

Orders, consents, &c., by Minister of Health.

**157.** Subsections (1) and (5) of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Minister of Health is authorised to make or give under this Act.

Service of notices, &c.

**158.**—(1) Any notice or other document required by this Act or any regulations or byelaws made thereunder to be served or sent may be served or sent by post unless the contrary is expressly provided.

(2) Any notice or other document required to be served on or sent to a local education authority under this Act may be served or sent by giving it to the clerk of the authority or sending it to, or delivering it at, the offices of the authority.

(3) Any notice or other document requiring authentication by the local education authority may be signed by their clerk.

Evidence of certificates, &c. issued by local education authorities.

**159.** All orders, certificates, notices, requirements, and documents of a local education authority under this Act, if purporting to be signed by the clerk of the authority or of the education committee, or by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

Forging of certificates.

**160.** If any person forges or counterfeits any certificate for the purpose of this Act, or gives or signs any such certificate which is to his knowledge false in any material particular, or knowing any such certificate

to be forged, counterfeit, or false, makes use thereof, that person shall be liable in respect of each offence to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not exceeding twenty pounds.

Publication of notices.

**161.**—(1) Notices and other matters required to be published under this Act shall, when no particular method is provided or indicated, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the Board of Education may either generally or with respect to any particular area, place, or notice, or class of areas, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested.

(2) All overseers, assistant overseers, and officers of guardians shall comply with the directions of the Board of Education given under this section with respect to notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor.

(3) If any person wilfully tears down, injures, or defaces any notice affixed in pursuance of this Act or any order of the Board of Education made thereunder, he shall be liable in respect of each offence to a fine not exceeding forty shillings.

Provision as to Board of Education documents.

**162.** After the expiration of three months from the date of any order or requisition of the Board of Education under this Act, or any enactment repealed by this Act, that order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Annual report.

**163.** The Board of Education shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

*Miscellaneous.*

Power of local education authority to accept gifts

**164.** A local education authority for elementary education shall be able and shall be deemed always to have been able to be constituted trustees for any educational endowment or charity for purposes connected with

for educational purposes.

education, whether the endowment or charity was established before or after the commencement of this Act, and shall have power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education: Provided that—

(1) Nothing in this section shall enable such a local education authority to be trustees for or accept any educational endowment, charity, or trust, the purposes of which are inconsistent with the principles on which the authority are required to conduct schools provided by them; and

(2) Every school connected with any such endowment, charity, or trust shall be deemed to be a school provided by the local education authority, except that nothing in this section shall authorise the authority to expend any money for any purpose other than elementary education; and

(3) Nothing in this section shall affect the law of mortmain or charitable uses.

Tenure of teacher, and power to recover possession of schoolhouse. 4 & 5 Vict. c. 38.

**165.** Sections seventeen and eighteen of the School Sites Act, 1841 (which relate to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office), shall extend to the case of an elementary school provided by a local education authority, and of any master or mistress of such a school, in the same manner as if the local education authority were the trustees or managers of the school as mentioned in those sections.

Exemption of school buildings from building byelaws. 38 & 39 Vict. c. 55.

**166.** The provisions of any byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any other Act, with respect to new buildings (including provisions as to the giving of notices and deposit of plans and sections), and any provisions in any local Act dealing with the construction of new buildings, and any byelaws made with respect to new buildings under any local Act, shall not apply in the case of any new buildings being school premises to be erected, or erected, according to plans which are under any regulations relating to the payment of grants required to be, and have been, approved by the Board of Education.

**167.**—(1) No person shall be assessed or rated to or for any local rate in respect of any land or buildings used exclusively or mainly for the purpose of the schoolrooms, offices, or playground of a public elementary school not provided by the local education authority, except to the extent of any profit derived by the managers of the school from the letting thereof. Exemption of non-provided schools from rates.

(2) In this section the expression "local rate" means a rate the proceeds of which are applicable to public local purposes and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a local rate as before defined.

**168.** Where with a view to following the profession of teacher a person has, in pursuance of regulations made by the Board of Education, entered into an undertaking that he will, in consideration of any grant made by the Board in respect of his maintenance, education, and training, complete the course of education or training specified in the undertaking, and will subsequently follow the profession of teacher in the manner and for the period specified in the undertaking, and in the event of failure to do so will repay to the Board such proportion of the grants made by the Board as is specified in the undertaking, the undertaking shall be binding on him notwithstanding that he was an infant at the time when the undertaking was given, and any sums repayable in accordance with the undertaking shall be recoverable as debts to the Crown. Validity of undertakings by persons intending to become teachers.

*Supplemental.*

**169.**—(1) The amount which would be produced by any rate in the pound shall be estimated for the purposes of this Act in accordance with regulations made by the Minister of Health. Interpretation.

(2) Any school which was provided by a school board or was deemed to have been so provided shall be treated for the purposes of this Act as a school which has been provided by the local education authority, or which is deemed to have been so provided as the case may be.

3 Edw. 7. c. 24.

(3) Any public elementary school provided by the London School Board before the passing of the Education (London) Act, 1903, which is wholly or partly situated outside the administrative county of London, and which at the commencement of this Act is maintained by the local education authority for that county, shall, for the purposes of this Act, be treated as wholly situated within that county and within the nearest metropolitan borough.

(4) Any public elementary school provided by the local education authority which is situated partly in one metropolitan borough and partly in another shall, for the purposes of this Act, be deemed to be situated in such one of those boroughs as the local education authority determine.

(5) For the purposes of this Act the council of the Isles of Scilly shall be the local education authority for the Scilly Islands, and the expenses of the council under this Act shall be general expenses of the council.

Definition of special terms.

**170.** In this Act, unless the context otherwise requires,—

(1) The expression "elementary school" means (except in the case of courses of advanced instruction given in pursuance of this Act) a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction from each scholar exceed ninepence a week, or any school carried on as an evening school under the regulations of the Board of Education or a continuation school:

(2) The expression "certified efficient school" means a public elementary school, a school certified by the Board of Education as suitable for providing elementary education for blind, deaf, defective, or epileptic children, and any workhouse school certified to be efficient by the Minister of Health, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is

open at all reasonable times to the inspection of His Majesty's inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Board of Education, and is certified by that Board to be an efficient school:

(3) The expression "higher education" means education other than elementary education:

(4) The expression "practical instruction" means instruction in cookery, laundrywork, housewifery, dairywork, handicrafts, and gardening, and such other subjects as the Board of Education declare to be subjects of practical instruction:

(5) The expression "college" includes any educational institution, whether residential or not:

(6) The expression "schoolhouse" in relation to an elementary school includes the teacher's dwelling-house and the playground (if any) and the offices and all premises belonging to or required for a school:

(7) The expression "school year" means a year or other period for which an annual parliamentary grant is for the time being paid or payable under the Education Code:

(8) The expression "school term" means the term as fixed by the local education authority:

(9) The expression "His Majesty's inspectors" means the inspectors of schools appointed by His Majesty on the recommendation of the Board of Education:

(10) The expression "managers" in relation to an elementary school includes all persons who have the management of the school, whether the legal interest in the schoolhouse is or is not vested in them:

(11) The expression "ratepayer" includes every person who under the provisions of the Poor

32 & 33 Vict. c. 41.

Rate Assessment and Collection Act, 1869, is deemed to be duly rated:

(12) The expression "parent" in relation to a child or young person includes guardian and every person who is liable to maintain or has the actual custody of the child or young person:

(13) The expression "child," except in relation to public school accommodation, means a child of any age up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the byelaws made thereunder, and in any provisions referring to children attending public elementary schools it includes a child of any age who is attending any such school:

(14) The expression "young person" means a person under eighteen years of age who is no longer a child:

(15) The expression "minor local authority" means, as respects any school, the council of any borough, including a metropolitan borough, or urban district, or the parish council, or (where there is no parish council) the parish meeting, of any parish which appears to the county council to be served by the school:

(16) The expressions "powers," "duties," "property," and "liabilities" have the same meanings as in the Local Government Act, 1888:

(17) The expression "trust deed" includes any instrument regulating the trusts or management of a school or college:

(18) The expressions "employ" and "employment" used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person:

(19) The expression "Education Code" means the Code of the Minutes of the Board of Education for the time being in force with respect to public elementary schools;

(20) The expression "sea service" has the same meaning as in the Merchant Shipping Acts, 1894 to 1916, and includes the sea-fishing service:

(21) The expression "borough" does not include a metropolitan borough except where otherwise expressly provided, and except as respects the borough of Woolwich so far as is necessary to enable the council of that borough to make any contribution which they are authorised to make under section nineteen of the London Government Act, 1899: 62 & 63 Vict. c. 14.

(22) The expression "metropolitan borough" includes the City of London, and the expression "council of a metropolitan borough" includes the mayor, aldermen, and commons of the City of London in common council assembled.

Construction of previous Acts or documents.

**171.**—(1) In any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, local education authorities for elementary education and the areas for which they act shall be substituted for school boards and school districts, and the fund or rate out of which the expenses of such a local education authority are payable for the school fund or local rate, so far as the reference or application extends.

(2) References in any enactment or in any provision of a scheme made under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part VI. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part VI. of this Act.

(3) The Minister of Health may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to him to be necessary 45 & 46 Vict. c. 50.

to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under this Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act.

Any order made under this provision shall operate as if enacted in this Act.

Repeal.

**172.** The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, except so far as they relate to Scotland or Ireland:

Provided that—

(*a*) Nothing in this repeal shall affect any order, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed, but any such order, certificate, byelaw, rule, or regulation shall continue in force and, so far as it could have been made or granted under this Act, shall have effect as if made or granted under this Act:

(*b*) Any byelaw, which by virtue of section eight of the Education Act, 1918, is to have effect as if the age of fourteen were substituted for a lower age, shall continue to have such effect, and nothing in this section shall be construed as reviving any provision of any byelaw granting exemption from attendance at school which by virtue of the said section has ceased to have effect or as prejudicing any exemption from school attendance lawfully granted before the commencement of this Act:

(*c*) Any person holding office or serving or deemed to be serving under any enactment hereby repealed shall continue in office or service as if he had been appointed under this Act; and nothing in this repeal shall prejudice or affect any right to compensation or superannuation allowance which a person would otherwise have had on the abolition of his office or on

diminution or loss of fees or salary, or on his retirement from office, or the amount thereof :

(*d*) Nothing in this repeal shall affect the manner in which any money is authorised to be applied under any enactment hereby repealed :

(*e*) Nothing in this repeal shall affect the operation of subsection (3) of section three of the Employment of Children Act, 1903, or the other provisions of that Act so far as required for the enforcement of that subsection, in their application to children who at the commencement of this Act are employed in factories or workshops so long as they continue to be so employed : 3 Edw. 7. c. 45.

(*f*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

Short title, extent and commencement.

**173.**—(1) This Act may be cited as the Education Act, 1921.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day, not being earlier than the first day of January, nineteen hundred and twenty-two, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas and for different persons or classes of persons :

Provided that the appointed day for the purposes of the repeal of any particular enactment shall not be earlier than the day fixed as the appointed day for the coming into operation of the corresponding provisions of this Act.

The Board of Education by order dated the 28th July 1922 appointed the 1st October 1922 as the appointed day for the purpose of all the provisions of this Act except sects. 76, 77 and 93

# SCHEDULES.

Section 4.

## FIRST SCHEDULE.

### PART I.

### EDUCATION COMMITTEE SCHEMES.

(1) Every scheme constituting an education committee shall provide—

(*a*) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council otherwise determine;

(*b*) For the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts;

(*c*) for the inclusion of women as well as men among the members of the committee.

(2) Any such scheme may, for all or any purposes of this Act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof, and in the case of such joint committee for the proportions in which any expenditure on matters referred or delegated to that committee is to be borne as between the councils of the counties, boroughs, or urban districts or parts thereof forming the area for which the joint committee is constituted. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(3) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education.

(4) A scheme establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall make such provision as appears necessary or expedient for making

the provisions of this Act relating to education committees applicable to the exercise by the local education authority of powers transferred from any county governing body constituted under the Welsh Intermediate Education Act, 1889.

(5) Any such scheme may contain such incidental or consequential provisions as may appear necessary or expedient.

## Part II.

### Meetings, &c. of Education Committee.

(1) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine.

(2) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote.

(3) The proceedings of an education committee shall not be invalidated by any vacancy among the members thereof or by any defect in the election, appointment, or qualification of any members thereof.

(4) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

(5) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in the minutes of the committee.

## Part III.

### Qualification of Members of Education Committee.

11 (1) Any person shall be disqualified for being a member of an education committee who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

(2) Teachers in a school maintained but not provided by the local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

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Section 5.

## SECOND SCHEDULE.

### TRANSFER OF PROPERTY, &C. ON RELINQUISHMENT OF POWERS AND DUTIES.

(1) Any property or rights acquired and any liabilities incurred by a council for the purpose of the performance of the powers and duties relinquished by them, including any property or rights vested or arising, or any liabilities incurred, under any local Act or trust deed, shall be transferred to the county council.

(2) Any loans transferred to a county council under this schedule shall, for the purpose of the limitation on the powers of the council to borrow, be treated as money borrowed under this Act.

56 & 57 Vict. c. 73.

(3) Sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply with respect to any transfer mentioned in this schedule, subject as follows:—

(*a*) References to "the appointed day" and to "the passing of this Act" shall be construed as references to the date on which the relinquishment takes effect; and

(*b*) any powers and duties relinquished by a council shall be deemed to be powers and duties transferred from that council; and

(*c*) subsections (4) and (5) of section eighty-five shall not apply.

(4) The officers of any authority whose property, rights, and liabilities are transferred under this schedule to a county council shall be transferred to and become the officers of that council, but that council may abolish the office of any such officer whose office they deem unnecessary.

(5) Every officer so transferred shall hold his office by the same tenure and on the same terms and conditions as before the transfer, and while performing the same duties shall receive not less salary or remuneration than theretofore, but if any such officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer,

he may relinquish his office, and any officer who so relinquishes his office, or whose office is abolished, shall be entitled to compensation under this schedule.

(6) Subject to the provisions of the School Teachers (Superannuation) Act, 1918, any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefits of that scheme any officers transferred under this Schedule on such terms and conditions as they think fit. 8 & 9 Geo. 5. c. 55.

(7) Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply as respects officers transferred under this schedule and also (with the necessary modifications) to any other officers who, by virtue of this Schedule or anything done in pursuance or in consequence of this Schedule, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, in like manner as it applies to officers transferred under this schedule, subject as follows:—

(*a*) References in that section to "the passing of this Act" shall be construed as references to the date on which the relinquishment takes effect; and

(*b*) Any reference to powers transferred shall be construed as a reference to property transferred; and

(*c*) Any expenses shall be paid out of the fund or rate out of which the expenses of a county council under this Act are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of this Act; and

(*d*) The county council may if they think fit take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under this Schedule.

(8) Section sixty-eight of the Local Government Act, 1894 (which relates to the adjustment of property and liabilities), shall apply with respect to any adjustment required for the purposes of this Schedule.

Section 30.

# THIRD SCHEDULE.

## MEETINGS AND PROCEEDINGS OF MANAGERS.

(1) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority:

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment or qualification of any manager.

(4) A manager of a school not provided by the local education authority appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, and any such manager may resign his office.

(5) The body of managers shall hold a meeting at least once in every three months.

(6) Any two managers may convene a meeting of the body of managers.

(7) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.

(8) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(9) The minutes of a body of managers shall be open to inspection by the local education authority.

(10) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

# FOURTH SCHEDULE.

Sections 38, 39 and 73.

## Part I.

### Transfers of Schools and Institutions.

(1) An arrangement for transferring to the local education authority a school or institution may, subject as hereinafter provided, be made by the managers, who in making such an arrangement may act by resolution or otherwise as follows:—

(*a*) Where there is a trust deed of the school or institution and that trust deed provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of that trust deed:

(*b*) Where there is no such trust deed, or the trust deed contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Board of Education to have been usual for a resolution or act binding the managers to be passed or done:

(*c*) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Board of Education to be requisite.

(2) No such arrangement shall be of any effect unless—

(*a*) the Board of Education, and

(*b*) if there are annual subscribers to the school or institution, a majority not being less than two thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question,

consent to the arrangement.

(3) An arrangement under this Schedule may provide for an absolute conveyance to the local education authority of all the interest in the premises of the school or institution possessed by the managers or by any person who is trustee for them or for the school or institution, or for the lease of the same with or without restrictions, and either at a nominal rent or otherwise, to that authority, or for the use by the authority of the premises during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed upon.

(4) Any arrangement under this Schedule may also provide for the transfer or application of any endowment belonging to the school or institution, or for the local education authority undertaking to discharge any debt charged on the school not exceeding the value of the interest in the premises or endowment transferred to them.

(5) Where any arrangement is made under this Schedule, the managers may, whether the legal interest in the premises or endowment is vested in them or in some person as trustee for them or the school or institution, convey to the local education authority all such interest in the schoolhouse and endowment as is vested in them or in the trustee, or such smaller interest as may be required under the arrangement.

(6) Nothing in this Schedule shall authorise the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school or institution to use the school or institution for any particular purpose independently of the managers, nothing in this Schedule shall authorise any interference with that right except with the consent of that person.

(7) The Board of Education shall consider and have due regard to any objections and representations respecting a proposed transfer of a school or institution under this Schedule which may be made by any person who has contributed to the establishment of the school or institution.

(8) Where in the case of any proposed transfer of a school or institution under this Schedule it appears to the Board of Education that there is any trustee of the school or institution who is not a manager, they shall cause the managers to serve on that trustee, if his name and address are known, such notice as the Board think sufficient, and the Board shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

(9) Where a transfer of a school or institution is made in pursuance of an arrangement under this Schedule, the consent of the Board of Education shall, after the expiration of six months from the date of the transfer, be conclusive evidence that the arrangement has been made in conformity with this Act.

(10) Where there is any instrument declaring the trusts of the school or institution and that instrument contains any provision for the alienation of the school or institution by any persons or in any manner or subject to any consent, any arrangement under this Schedule shall be made by the persons in the manner and with the consent so provided.

(11) In this Schedule the expression "premises" in relation to an elementary school means a schoolhouse as defined by this Act.

### Part II.

### Re-transfers of Schools.

(1) Where any elementary school or any interest therein has been transferred in pursuance of an arrangement under Part I. of this Schedule or under the corresponding provisions of any enactment repealed by this Act to the local education authority or their predecessors in title, the local education authority may, by a resolution passed as herein-after mentioned, and with the consent of the Board of Education, re-transfer that school or interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before the transfer to the authority, and upon the re-transfer may convey all the interest in the school-house and in any endowment belonging to the school vested in the local education authority.

(2) A resolution for the purpose of this Part of this Schedule may be passed by a majority of not less than two thirds of those members of the local education authority who are present at a meeting duly convened for the purpose, and vote on the question.

(3) The Board of Education shall not give their consent to any re-transfer under this Schedule unless they are satisfied that any money expended upon the school out of a loan raised by the local education authority or their predecessors has been or will on the completion of the re-transfer be paid to the authority.

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## FIFTH SCHEDULE.

Section 111.

### Provisions as to the Compulsory Acquisition of Land.

(1) Where a local education authority propose to purchase land compulsorily under this Act, the local education authority may submit to the Board of Education an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this Schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to

such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local education authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

8 & 9 Vict. c. 18. 9 & 10 Geo. 5. c. 57.

(*a*) the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

8 & 9 Vict. c. 20.

(*b*) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

(4) The order shall be published by the local education authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed.

(5) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall without further inquiry confirm the order unless they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired; but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local education authority and all persons interested in the land and such other persons, as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(6) Where the land proposed to be acquired under the order consists of or comprises land situate in London, or a borough, or urban district, the Board shall appoint an impartial person, not in the employment of any Government Department, to hold the inquiry as to whether the land proposed to be acquired is suitable for the purposes for which it is sought to be acquired, and whether, having regard to the extent or situation of the land and the purposes for which it is used, the land can be acquired without undue detriment to the persons interested therein or the owners of adjoining land, and such person shall have for the purpose of the inquiry all

the powers of an inspector of the Ministry of Health, and, if he reports that the land, or any part thereof, is not suitable for the purposes for which it is sought to be acquired, or that, owing to its extent or situation or the purpose for which it is used, it cannot be acquired without such detriment as aforesaid, or that it ought not to be acquired except subject to the conditions specified in his report, then, if the Board confirm the order in respect of that land, or part thereof, or, as the case may require, confirm it otherwise than subject to such modifications as are required to give effect to the specified conditions, the order shall be provisional only, and shall not have effect unless confirmed by Parliament.

Where no part of the land is so situated as aforesaid, before confirming the order, the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(7) Where the land proposed to be acquired is the site of an ancient monument or other object of archæological interest or is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking or at the date of the order forms part of any park, garden or pleasure ground or is otherwise required for the amenity or convenience of any dwelling house, the order shall be provisional only and shall not have effect unless confirmed by Parliament.

(8) In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local education authority shall be deemed to be the promoters of the undertaking.

(9) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(10) In this Schedule the expression "prescribed" means prescribed by the Board of Education.

Section 120

## SIXTH SCHEDULE.

### PROVISIONS WITH RESPECT TO PARLIAMENTARY GRANTS TO ELEMENTARY SCHOOLS.

(1) No parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

(2) No parliamentary grant shall be made in aid of the building, enlarging, improving, or fitting up of an elementary school.

(3) The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the education code, and shall amongst other things provide—

(*a*) that such grant shall not be made in respect of any instruction in religious subjects; and

(*b*) that the income of the school shall be applied only for the purpose of public elementary schools;

but such conditions shall not require that the school shall be in connexion with a religious denomination or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a local education authority.

(4) Where required for the purpose of bringing the accounts of a school to a close before the end of the financial year of the school, the Board of Education may calculate any parliamentary grant in respect of a month or other period less than a year.

Section 172.

## SEVENTH SCHEDULE.

### ENACTMENTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 33 & 34 Vict. c. 75. | The Elementary Education Act, 1870. | The whole Act so far as unrepealed, except sections one and two, section three (so far as it is required for the interpretation of the unrepealed portions of the Act), and sections seventy-five, seventy-eight and eighty-three. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 36 & 37 Vict. c. 86. | The Elementary Education Act, 1873. | The whole Act. |
| 37 & 38 Vict. c. 39. | An Act to provide for the exception of the borough of Wenlock from the category of boroughs under the Elementary Education Act, 1870. | The whole Act. |
| 39 & 40 Vict. c. 79. | The Elementary Education Act, 1876. | The whole Act. |
| 40 & 41 Vict. c. 60. | The Canal Boats Act, 1877. | Section six and in section fourteen the definition of parent. |
| 43 & 44 Vict. c. 23. | The Elementary Education Act, 1880. | The whole Act. |
| 47 & 48 Vict. c. 75. | The Canal Boats Act, 1884. | Sections five and six. |
| 54 & 55 Vict. c. 61. | The Schools for Science and Art Act, 1891. | The whole Act. |
| 56 & 57 Vict. c. 42. | The Elementary Education (Blind and Deaf Children) Act, 1893. | The whole Act. |
| 60 & 61 Vict. c. 5. | The Voluntary Schools Act, 1897. | The whole Act. |
| 62 & 63 Vict. c. 32. | The Elementary Education (Defective and Epileptic Children) Act, 1899. | The whole Act. |
| 62 & 63 Vict. c. 33. | The Board of Education Act, 1899. | Sections three and four. |
| 63 & 64 Vict. c. 53. | The Elementary Education Act, 1900. | The whole Act. |
| 1 Edw. 7. c. 22. | The Factory and Workshop Act, 1901. | In section one hundred and thirty-four the words "or "for any purpose connected with the employment in labour or "elementary education "of the young person "or child." |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 2 Edw. 7. c. 42. | The Education Act, 1902. | The whole Act. |
| 3 Edw. 7. c. 24. | The Education (London) Act, 1903. | The whole Act, except paragraph 9 of the First Schedule. |
| 3 Edw. 7. c. 45. | The Employment of Children Act, 1903. | The whole Act, except so far as it relates to Scotland or Ireland. |
| 4 Edw. 7. c. 15. | The Prevention of Cruelty to Children Act, 1904. | The whole Act so far as unrepealed, except so far as it relates to Scotland or Ireland, and except section twenty-seven. |
| 4 Edw. 7. c. 18. | The Education (Local Authority Default) Act, 1904. | The whole Act. |
| 6 Edw. 7. c. 57. | The Education (Provision of Meals) Act, 1906. | The whole Act. |
| 7 Edw. 7. c. 43. | The Education (Administrative Provisions) Act, 1907. | The whole Act, except sections two, eight, sixteen and seventeen. |
| 8 Edw. 7. c. 67. | The Children Act, 1908. | Section one hundred and twenty-two. |
| 9 Edw. 7. c. 13. | The Local Education Authorities (Medical Treatment) Act, 1909. | The whole Act. |
| 9 Edw. 7. c. 29. | The Education (Administrative Provisions) Act, 1909. | The whole Act. |
| 10 Edw. 7. and 1 Geo. 5. c. 37. | The Education (Choice of Employment) Act, 1910. | The whole Act. |
| 1 & 2 Geo. 5. c. 32. | The Education (Administrative Provisions) Act, 1911. | The whole Act, except sections four and five. |
| 4 & 5 Geo. 5. c. 20. | The Education (Provision of Meals) Act, 1914. | The whole Act. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 4 & 5 Geo. 5. c. 45. | The Elementary Education (Defective and Epileptic Children) Act, 1914. | The whole Act. |
| 8 & 9 Geo. 5. c. 39. | The Education Act, 1918. | The whole Act, except sections fourteen, forty-two, forty-five, forty-seven, and fifty-two. |
| 9 & 10 Geo. 5. c. 21. | The Ministry of Health Act, 1919. | Paragraph (*d*) of subsection (1) of section three. |
| 9 & 10 Geo. 5. c. 41. | The Education (Compliance with Conditions of Grant) Act, 1919. | The whole Act. |

## CHAPTER 52.

### An Act to amend the Exchequer and Audit Departments Acts, 1866 and 1889.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Examination of appropriation accounts.

**1.**—(1) Every appropriation account shall be examined by the Comptroller and Auditor General on behalf of the House of Commons, and in the examination of such accounts the Comptroller and Auditor General shall satisfy himself that the money expended has been applied to the purpose or purposes for which the grants made by Parliament were intended to provide and that the expenditure conforms to the authority which governs it.

(2) The Comptroller and Auditor General, after satisfying himself that the vouchers have been examined and certified as correct by the accounting department, may, in his discretion and having regard to the character of the departmental examination, in any particular case

admit the sums so certified without further evidence of payment in support of the charges to which they relate:

Provided that, if the Treasury desire the vouchers or any of them to be examined in greater detail, the Comptroller and Auditor General shall take action accordingly.

(3) If at any time the Comptroller and Auditor General is required by the Treasury to ascertain whether any expenditure included in any appropriation account is supported by the authority of the Treasury, he shall examine that expenditure with that object, and shall report to the Treasury any expenditure which appears upon the examination to have been incurred without such authority, and any such unauthorised expenditure shall, unless sanctioned by the Treasury, be regarded as not being properly chargeable to a Parliamentary grant, and shall be so reported to the House of Commons.

(4) The Comptroller and Auditor General shall report to the House of Commons any important change in the extent or character of any examination made by him.

Examination of accounts of receipts of revenue.

**2.**—(1) The accounts of the receipt of revenue by the Departments of Customs and Excise, Inland Revenue, and Post Office, and the accounts of every receiver of money which is by law payable into the Exchequer, shall be examined by the Comptroller and Auditor General on behalf of the House of Commons in order to ascertain that adequate regulations and procedure have been framed to secure an effective check on the assessment, collection, and proper allocation of revenue, and the Comptroller and Auditor General shall satisfy himself that any such regulations and procedure are being duly carried out.

(2) The Comptroller and Auditor General shall make such examination as he thinks fit with respect to the correctness of the sums brought to account in respect of such revenue as aforesaid, and shall, together with his report on the appropriation accounts of the departments concerned, present to the House of Commons a report on the results of any such examination.

Examination of other cash accounts.

**3.**—(1) The Comptroller and Auditor General shall examine, if so required by the Treasury and in accordance with any regulations made by the Treasury in that behalf, the accounts of all principal accountants and any other

accounts, whether relating directly to the receipt or expenditure of public funds or not, which the Treasury may, by minute to be laid before Parliament, direct.

(2) The Comptroller and Auditor General shall examine any such accounts so required to be examined by him as aforesaid with as little delay as possible, and when the examination of each account has been completed shall sign a certificate to the account recording the result of his examination, and a copy of the account so certified shall be sent to the accountant.

(3) If in the course of any such examination any question arises between the Comptroller and Auditor General and the accountant, it shall be referred to the Treasury, whose decision thereon shall be final.

(4) A list of all accounts so certified shall be submitted by the Comptroller and Auditor General to the Treasury not later than the first week in February and the first week in August in every year.

Examination of stock and store accounts.

**4.**—(1) Stock or store accounts shall be kept in all cases where, in the opinion of the Treasury, the receipt, expenditure, sale transfer or delivery of any securities, stamps, provisions, or stores the property of His Majesty in any Government department is of sufficient amount or character to require the keeping of such accounts, and the Comptroller and Auditor General shall, on behalf of the House of Commons, examine any such accounts so required to be kept in order to ascertain that adequate regulations have been made for control and stocktaking, and that the regulations are duly enforced and that any requirements of the Treasury have been complied with.

(2) The Comptroller and Auditor General shall report to the House of Commons the result of any such examination.

Preparation and examination of trading, &c. accounts.

**5.**—(1) There shall be prepared in each financial year, in such form and by such Government departments as the Treasury may from time to time direct or approve, statements of account showing the income and expenditure of any shipbuilding, manufacturing, trading, or commercial services conducted by the department, together with such balance sheets and statements of profit and loss and particulars of costs as the Treasury may require.

(2) All such accounts shall be transmitted to the Comptroller and Auditor General and presented to Parlia-

ment on or before the dates specified in that behalf in the First Schedule to this Act.

(3) All such accounts as aforesaid shall be examined by the Comptroller and Auditor General on behalf of the House of Commons and in his examination he shall have regard to any programme of works, ship-building or manufacture which may have been laid before Parliament, and shall certify and report on them to the House of Commons.

Amendment of Schedule A to principal Act. 29 & 30 Vict. c. 39.

**6.** The provisions of the First Schedule to this Act, relating to supply grants, shall be substituted for Schedule A to the Exchequer and Audit Departments Act, 1866 (in this Act referred to as "the principal Act"), which specifies the dates on or before which accounts of the appropriation of supply grants comprised in the Appropriation Act of each year are to be prepared by the several departments and transmitted for examination to the Comptroller and Auditor General and to the Treasury, and section twenty-two of the principal Act shall have effect accordingly.

Salary of Comptroller and Auditor General.

**7.**—(1) The salary which may be granted to the Comptroller and Auditor General under the principal Act shall be a sum of three thousand pounds per annum instead of a sum of two thousand pounds per annum, and the person who held the office of Comptroller and Auditor General on the first day of March, nineteen hundred and twenty, shall be deemed to have been entitled to a salary of three thousand pounds per annum as from that date, as if it had been duly granted to him under that Act.

(2) The salary payable to the Comptroller and Auditor General by virtue of this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Staff of Department, and abolition of office of Assistant Comptroller and Auditor.

**8.**—(1) The Comptroller and Auditor General may appoint such officers and servants as he may, with the sanction of the Treasury, determine.

(2) There shall, out of moneys provided by Parliament, be paid to the officers and servants appointed under this section such salaries as the Treasury may determine.

(3) Anything which under the principal Act or this Act is directed to be done by the Comptroller and Auditor General, other than the certifying and reporting on accounts for the House of Commons, may be done by a

principal officer of the Department authorised for that purpose by the Comptroller and Auditor General.

(4) The office of Assistant Comptroller and Auditor shall be abolished as from the thirty-first day of March, nineteen hundred and twenty-two, or, if that office is vacated on some earlier date, then as from that earlier date.

Minor amendments of 29 & 30 Vict. c. 39.

**9.**—(1) In section twenty-three of the principal Act (which makes provision as to the form and manner in which Departments are to keep their accounts) the words "in "order to exhibit, in a convenient form, the whole of the "receipts and payments in respect of each vote" shall cease to have effect, and the words "the Treasury may "prescribe" shall be substituted for the words "Her "Majesty may from time to time by Order in Council "prescribe."

(2) Section twenty-eight of the principal Act (which provides that the Comptroller and Auditor General shall, for the purpose of the examination of appropriation accounts, have access to books of account, &c.) shall apply to any examination made by the Comptroller and Auditor General of any accounts, and the word "cash" wherever it occurs in that section shall be repealed.

(3) In section thirty-four of the principal Act (which provides by what persons accounts other than appropriation accounts are to be rendered to the Comptroller and Auditor General) the words "every accountant" shall be substituted for the words from "every public officer" to the words "any public service" inclusive, and the words "together with the authorities and vouchers relating thereto" shall be inserted after the words "receipts and payments."

(4) Section thirty-five of the principal Act (which directs that accountants are to transmit their accounts to the Comptroller and Auditor General under certain regulations) shall cease to have effect.

(5) In section thirty-nine of the principal Act (which provides that every account signed and passed by the Comptroller and Auditor General shall be recorded in his office) the words "and certified" shall be substituted for the words "signed and passed."

Short title, construction, and repeal.

**10.**—(1) This Act may be cited as the Exchequer and Audit Departments Act, 1921, and shall be construed as one with the principal Act, and that Act and this Act

may be cited together as the Exchequer and Audit Departments Acts, 1866 and 1921.

(2) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

# SCHEDULES.

Sections 5 and 6.

## FIRST SCHEDULE.

### SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE A TO PRINCIPAL ACT.

| Account. | Dates after the termination of every Financial Year to which the Accounts relate on or before which they are to be made up and submitted. | | | |
|---|---|---|---|---|
| | To the Comptroller and Auditor General by the Departments. | To the Treasury by the Comptroller and Auditor General. | To the House of Commons by the Treasury. | |
| *Supply Grants.* | | | | |
| Army<br>Navy<br>Air Force | 31st Dec. | 31st Jan. | 15th March. | If Parliament is then sitting, and if not sitting, then within one week after Parliament next assembles. |
| Civil Services and Revenue Departments.<br>All other services voted in supply. | 30th Nov. | 15th Jan. | 31st Jan. | |
| *Trading, &c. Accounts.* | | | | |
| Army Ordnance Factories.<br>Navy Expense and Manufacturing accounts. | 31st Jan. | 15th March | 31st March. | |
| All other shipbuilding, manufacturing, trading or commercial accounts. | 30th Nov. | 15th Jan. | 31st Jan. | |

## SECOND SCHEDULE.

Section 10.

### ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 29 & 30 Vict. c. 39. | The Exchequer and Audit Departments Act, 1866. | Section seven, as from the date on which the office of the Assistant Comptroller and Auditor is abolished; sections eight and nine; in section twenty-two the words "as hereinafter directed" wherever those words occur; sections twenty-seven, twenty-nine, and thirty; section thirty-two from the beginning down to the words "against the grant," sections thirty-three, thirty-five, thirty-six, thirty-eight, and forty; Schedule B. |
| 52 & 53 Vict. c. 31. | The Army and Navy Audit Act, 1889. | The whole Act. |

# CHAPTER 53.

## An Act to continue certain Expiring Laws.

[19th August 1921.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects the Acts mentioned in Parts I., II., III., IV., V., and VI. of that schedule, on the thirty-first day of December, nineteen hundred and twenty-one, the nineteenth day of August, nineteen hundred and twenty-one, the third day of December, nineteen hundred and twenty-one, the twenty-third day of December, nineteen hundred and

twenty-one, the twenty-eighth day of February, nineteen hundred and twenty-two, and the nineteenth day of August, nineteen hundred and twenty-two, respectively, and, as respects the Acts mentioned in Part VII. of that schedule, on the thirty-first day of March, nineteen hundred and twenty-two :

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Parts I., II., III., IV., V., and VI. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-two, and shall then expire, unless further continued.

(2) The Acts mentioned in Part VII. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-three, and shall then expire, unless further continued.

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1921.

(2) This Act, so far as it continues in force any provisions of any Act which relate to Ireland shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be an Act passed before the appointed day.

# SCHEDULE.

Section 1.

## Part I.

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (1) 3 & 4 Vict. c. 89. | The Poor Rate Exemption Act, 1840. | The whole Act. | —— |
| (2) 3 & 4 Vict. c. 91. | The Textile Manufactures (Ireland) Act, 1840. | The whole Act - | 5 & 6 Vict. c. 68.<br>7 & 8 Vict. c. 47.<br>30 & 31 Vict. c. 60. |
| (3) 4 & 5 Vict. c. 30. | The Ordnance Survey Act, 1841. | The whole Act - | 33 & 34 Vict. c. 13.<br>47 & 48 Vict. c. 43.<br>52 & 53 Vict. c. 30. |
| (4) 10 & 11 Vict. c. 98. | The Ecclesiastical Jurisdiction Act, 1847. | As to the provisions continued by 21 & 22 Vict. c. 50. | —— |
| (5) 14 & 15 Vict. c. 104. | The Episcopal and Capitular Estates Act, 1851. | The whole Act - | 17 & 18 Vict. c. 116.<br>22 & 23 Vict. c. 46.<br>23 & 24 Vict. c. 124.<br>31 & 32 Vict. c. 114. s. 10. |
| (6) 17 & 18 Vict. c. 102. | The Corrupt Practices Prevention Act, 1854. | So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883. | 26 & 27 Vict. c. 29. s. 6.<br>31 & 32 Vict. c. 125.<br>46 & 47 Vict. c. 51. |

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (7) 26 & 27 Vict. c. 105. | The Promissory Notes Act, 1863. | The whole Act - | 45 & 46 Vict. c. 61. |
| (8) 27 & 28 Vict. c. 20. | The Promissory Notes (Ireland) Act, 1864. | The whole Act. | —— |
| (9) 28 & 29 Vict. c. 46. | The Militia (Ballot Suspension) Act, 1865. | The whole Act - | 45 & 46 Vict. c. 49. |
| (10) 28 & 29 Vict. c. 83. | The Locomotives Act, 1865. | The whole Act - | 41 & 42 Vict. c. 58.<br>41 & 42 Vict. c. 77. (Part II.)<br>59 & 60 Vict. c. 36.<br>61 & 62 Vict. c. 29.<br>1 & 2 Geo. 5. c. 45. |
| (11) 31 & 32 Vict. c. 125. | The Parliamentary Elections Act, 1868. | So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883. | 42 & 43 Vict. c. 75.<br>46 & 47 Vict. c. 51. |
| (12) 32 & 33 Vict. c. 21. | The Corrupt Practices Commission Expenses Act, 1869. | The whole Act - | 34 & 35 Vict. c. 61. |
| (13) 32 & 33 Vict. c. 56. | The Endowed Schools Act, 1869. | As to the powers of making schemes. | 36 & 37 Vict. c. 87.<br>37 & 38 Vict. c. 87.<br>52 & 53 Vict. c. 40.<br>8 Edw. 7. c. 39. |

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (14) 33 & 34 Vict. c. 112. | The Glebe Loan (Ireland) Act, 1870. | The whole Act - | 34 & 35 Vict. c. 100.<br>49 Vict. c. 6. |
| (15) 34 & 35 Vict. c. 87. | The Sunday Observation Prosecution Act, 1871. | The whole Act. | —— |
| (16) 39 & 40 Vict. c. 21. | The Jurors Qualification (Ireland) Act, 1876. | The whole Act - | 57 & 58 Vict. c. 49.<br>61 & 62 Vict. c. 37. s. 69. |
| (17) 43 & 44 Vict. c. 42. | The Employers Liability Act, 1880. | The whole Act - | 6 Edw. 7. c. 58. s. 14. |
| (18) 46 & 47 Vict. c. 60. | The Labourers (Ireland) Act, 1883. | The whole Act - | 48 & 49 Vict. c. 77.<br>49 & 50 Vict. c. 59.<br>54 & 55 Vict. c. 48.<br>54 & 55 Vict. c. 71.<br>55 & 56 Vict. c. 7.<br>59 & 60 Vict. c. 53.<br>61 & 62 Vict. c. 37.<br>3 Edw 7. c. 37.<br>6 Edw. 7. c. 37.<br>7 Edw. 7. c. 44.<br>9 Edw. 7. c. 42.<br>1 & 2 Geo. 5. c. 19.<br>4 & 5 Geo. 5. c. 32.<br>8 & 9 Geo. 5. c. 20.<br>9 & 10 Geo. 5. c. 55. |

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (19) 51 & 52 Vict. c. 55. | The Sand Grouse Protection Act, 1888. | The whole Act. | —— |
| (20) 52 & 53 Vict. c. 40. | The Welsh Intermediate Education Act, 1889. | As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners. | 53 & 54 Vict. c. 60. 2 Edw. 7. c. 42. |
| (21) 58 & 59 Vict. c. 21. | The Seal Fisheries (North Pacific) Act, 1895. | The whole Act. | —— |
| (22) 61 & 62 Vict. c. 49. | The Vaccination Act, 1898. | The whole Act - | 7 Edw. 7. c. 31. |
| (23) 2 Edw. 7. c. 18. | The Licensing (Ireland) Act, 1902. | The whole Act. | —— |
| (24) 3 Edw. 7. c. 36. | The Motor Car Act, 1903. | The whole Act - | 9 Edw. 7. c. 37. 10 & 11 Geo. 5. c. 72. |
| (25) 4 Edw. 7. c. 24. | The Wireless Telegraphy Act, 1904. | The whole Act. | —— |
| (26) 5 Edw. 7. c. 18. | The Unemployed Workmen Act, 1905. | The whole Act - | 9 Edw. 7. c. 7. |
| (27) 7 Edw. 7. c. 55. | The London Cab and Stage Carriage Act, 1907. | As to the abolition of the privileged cab system, section two. | —— |

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (28) 1 & 2 Geo. 5. c. 55. | The National Insurance Act, 1911. | Section forty-two; and so far as it relates to the powers of the Insurance Commissioners to make orders affecting section forty-two, section seventy-eight. | 3 & 4 Geo. 5. c. 37. 4 & 5 Geo. 5. c. 57. 4 & 5 Geo. 5. c. 81. 7 & 8 Geo. 5. c. 62. 10 & 11 Geo. 5. c. 10. |
| (29) 2 & 3 Geo. 5. c. 2. | The Coal Mines (Minimum Wage) Act, 1912. | The whole Act. | —— |
| (30) 3 & 4 Geo. 5. c. 26. | The Highlands and Islands (Medical Service) Grant Act, 1913. | As to the powers of the Highlands and Islands (Medical Service) Board, and of His Majesty in Council. | 9 & 10 Geo. 5. c. 20. |
| (31) 4 & 5 Geo. 5. c. 3. | The Grey Seals Protection Act, 1914. | The whole Act. | —— |
| (32) 5 & 6 Geo. 5. c. 4. | The Land Drainage Act, 1914. | As to the power of making Provisional Orders. | —— |
| (33) 5 & 6 Geo. 5. c. 48. | The Fishery Harbours Act, 1915. | As to power of making Orders. | —— |
| (34) 9 & 10 Geo. 5. c. 35. | The Housing, Town Planning, &c. Act, 1919. | Section twenty-one. | —— |
| (35) 9 & 10 Geo. 5. c. 45. | The Housing (Ireland) Act, 1919. | Section seventeen. | —— |

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (36) 9 & 10 Geo. 5. c. 60. | The Housing, Town Planning (Scotland) Act, 1919. | Section eighteen. | —— |
| (37) 9 & 10 Geo. 5. c. 92. | The Aliens Restriction (Amendment) Act, 1919. | Section one. | —— |
| (38) 10 & 11 Geo. 5. c. 58. | The Shops (Early Closing) Act, 1920. | The whole Act. | —— |

## PART II.

| | | | |
|---|---|---|---|
| (39) 9 & 10 Geo. 5. c. 59. | The Land Settlement (Facilities) Act, 1919. | Sections four and five. | —— |

## PART III.

| | | | |
|---|---|---|---|
| (40) 10 & 11 Geo. 5. c. 57. | The Unemployment (Relief Works) Act, 1920. | The whole Act. | —— |

## PART IV.

| | | | |
|---|---|---|---|
| (41) 9 & 10 Geo. 5. c. 97. | The Land Settlement (Scotland) Act, 1919. | Sections one and two. | —— |
| (42) 9 & 10 Geo. 5. c. 99. | The Housing (Additional Powers) Act, 1919. | Sections one, two, four, eleven, twelve, thirteen and fourteen. | 11&12 Geo.5. c. 19. |

## PART V.

| 1. Session and Chapter. | 2. Short Title. | 3. How far continued. | 4. Amending Acts. |
|---|---|---|---|
| (43) 7 & 8 Geo. 5. c. 42. | The Workmen's Compensation (War Addition) Act, 1917. | The whole Act - | 9 & 10 Geo. 5. c. 83. |

## PART VI.

| | | | |
|---|---|---|---|
| (44) 9 & 10 Geo. 5. c. 59. | The Land Settlement (Facilities) Act, 1919. | Section three. | —— |

## PART VII.

| | | | |
|---|---|---|---|
| (45) 59 & 60 Vict. c. 16. | The Agricultural Rates Act, 1896. | The whole Act - | 2 Edw. 7. c. 42.<br>7 Edw 7. c. 13. |
| (46) 59 & 60 Vict. c. 37. | The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896. | The whole Act - | 60 & 61 Vict. c. 53.<br>7 Edw. 7. c. 13.<br>1 & 2 Geo. 5. c. 49. |

# CHAPTER 54.

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Grants for public works.

**1.**—(1) For the purpose of local loans, there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of forty million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole the sum of one hundred and fifty thousand pounds.

(2) The sums so issued shall, subject as hereinafter provided, be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887:

50 & 51 Vict. c. 16.

Provided that nothing in this subsection shall affect the operation of the provisions of subsection (2) of section twenty-one of the Government of Ireland Act, 1920, relating to advances out of the Local Loans Fund for loans in Ireland.

10 & 11 Geo. 5. c. 67.

Certain debts not to be reckoned as assets of local loans fund.

**2.** Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I. and Part II. respectively of the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loans to the extent aforesaid and the said sums shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.

**3.** Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland:

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan:

1 Edw. 7. c. 35.

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees, as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal:

And whereas the said portion of the surplus herring brand fees, so pledged as aforesaid, was in the year ending the thirty-first day of March, nineteen hundred and twenty-one, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds, with interest amounting to one hundred and forty-eight pounds two shillings, now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable:

Now, therefore, the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to one hundred and forty-eight pounds two shillings shall be remitted.

Short title.

**4.** This Act may be cited as the Public Works Loans Act, 1921.

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Section 2.

## SCHEDULE.

### PART I.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS.

*Loan under the Harbours and Passing Tolls Act*, 1861 (24 & 25 Vict. c. 47).

| Name of Borrower. | Amount of Loan. | Amount to be written off. |
|---|---|---|
| | £ | £ |
| Eyemouth Harbour Trustees - | 10,000 | 200 |

### PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS IN IRELAND.

*Loans under the Landed Property Improvement (Ireland) Act*, 1847 (10 Vict. c. 32).

| Name of Borrower. | Amount of Loan. | Amount to be written off. |
|---|---|---|
| | £ | £ s. d. |
| Wm. Creagh Hickie - - | 575 | 217 12 5 |
| | 820 | 552 7 1 |
| | 800 | 676 14 7 |
| | 500 | 457 11 7 |
| | 150 | 138 1 5 |
| | 250 | 244 0 2 |
| | 300 | 299 2 2 |
| | 95 | 22 5 1 |
| Robert Chawner - - - | 200 | 93 3 7 |
| | 100 | 51 15 3 |

# CHAPTER 55.

An Act to provide for the reorganisation and further regulation of Railways and the discharge of liabilities arising in connection with the possession of Railways, and otherwise to amend the Law relating to Railways, and to extend the duration of the Rates Advisory Committee. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## Part I.

### Reorganisation of Railway System.

Grouping of railways.

**1.**—(1) With a view to the reorganisation and more efficient and economical working of the railway system of Great Britain railways shall be formed into groups in accordance with the provisions of this Act, and the principal railway companies in each group shall be amalgamated, and other companies absorbed in manner provided by this Act.

(2) The groups to be formed shall be those specified in the first column of the First Schedule to this Act, and as respects the several groups the railway companies to be amalgamated (in this Act referred to as "constituent companies") shall be those set out in relation to each group in the second column of that schedule, and the companies to be absorbed (in this Act referred to as "subsidiary companies") shall be those set out in relation to each group in the third column of that schedule, and the companies constituted by such amalgamation are in this Act referred to as amalgamated companies.

Preparation and settlement of

**2.**—(1) The constituent companies in any group may on or before the first day of January, nineteen

amalgamation schemes.

hundred and twenty-three, submit to the Minister of Transport (hereinafter referred to as "the Minister") an amalgamation scheme framed in accordance with the provisions of this Act which has been agreed to by all those companies.

(2) The Minister shall refer to the amalgamation tribunal hereinafter constituted any scheme so submitted to him, and the tribunal, unless it appears to them that the scheme does not conform with the requirements of this Act or that the provisions of this Act relating to the procedure preliminary to the submission of an agreed scheme have not been complied with, shall confirm the scheme.

(3) If the constituent companies in any group fail to submit an agreed amalgamation scheme framed in accordance with the provisions of this Act on or before the said date, a scheme for the amalgamation of the constituent companies in that group shall be prepared and settled in accordance with this Act by the amalgamation tribunal.

Provisions to be contained in amalgamation schemes.

**3.**—(1) An amalgamation scheme under this Act—

(*a*) shall provide for the incorporation of the amalgamated company under an appropriate name, with power to hold land for the purposes of the company, and make such provisions as appear necessary or expedient with regard to the share and loan capital of the amalgamated company and the vesting of the property, rights, powers, duties, and liabilities, whether statutory or otherwise, of the constituent companies; and

(*b*) shall provide generally as to the terms and conditions of amalgamation and for the winding-up of the constituent companies, including the allocation to holders of securities of the constituent companies in substitution therefor and in satisfaction of all claims arising thereunder, of such securities of the amalgamated company, and of such amounts, as may be specified in the scheme; and

(*c*) shall incorporate Part V. of the Railways Clauses Act, 1863, subject to the provisions of this Act; and may incorporate with or without modification any of the provisions of the Companies Clauses Consolidation Act, 1845, and the Acts amending that Act, and such modifications may provide that any committees appointed under section ninety-five of the Companies Clauses Consolidation Act, 1845, may comprise persons who, though not directors of the company, are proprietors and possess such other qualifications (if any) as may be provided by the scheme; and 26 & 27 Vict. c. 92. 8 & 9 Vict. c. 16.

(*d*) shall give effect to the provisions contained in the Second Schedule to this Act with respect to the direction of the amalgamated company, and may, with the consent of the proprietors, provide for the payment of compensation out of the assets of a constituent company to the directors of the company who suffer loss by abolition of office; and

(*e*) shall contain such provisions with respect to the management of any superannuation, pension, provident, widows' and orphans' and other benefit fund or funds established by any constituent company as may be necessary in consequence of amalgamation, so, however, as to preserve in all other respects the management of such funds unaltered until other provision is made by Parliament; and

(*f*) shall incorporate the provisions contained in the Third Schedule to this Act with respect to existing officers and servants; and

(*g*) may make such incidental and supplemental provisions as appear necessary or expedient in order to give full effect to the provisions of the scheme and the purposes of this Act:

Provided that the scheme may provide for the postponement for a period not exceeding five years, or, if for special reasons the amalgamation tribunal think fit, ten years, of the winding up of a constituent company with or without any change in the name of the company in order to

enable such company to continue to exist for the purpose of receiving and holding any securities of the amalgamated company for the benefit of any class or classes of the holders of any loan or share capital of the constituent company or of any company the interest or dividends of which are guaranteed by or secured on the revenues of the constituent company, according to their respective rights and interests in pursuance of and in accordance with any arrangement which may be approved by the amalgamation tribunal and included in the scheme, and during such postponement of winding up a constituent company shall cease to be a railway company within the meaning of section two hundred and sixty-seven of the Companies (Consolidation) Act, 1908, but any securities of the constituent company, which are at the date of amalgamation securities in which trustees are by law entitled to invest trust funds, shall continue to be such securities.

8 Edw. 7. c. 69.

(2) With respect to the Western group the following provision shall have effect:—

(*a*) The amalgamation scheme shall provide for constituting the Great Western Railway Company the amalgamated company, and for amalgamating therewith the other constituent companies in the group;

(*b*) For the purposes aforesaid, the scheme may provide for increasing all or any of the existing classes of loan and share capital of the Great Western Railway Company, or creating new classes of loan or share capital of that company, with such rights, priorities, and conditions as may be specified in the scheme, and for allocating to the holders of the loan and share capital of the other constituent companies additional and new capital of the Great Western Railway Company so created to such amounts and in such manner as may be provided by the scheme;

(*c*) Notwithstanding anything in any special Act affecting the Great Western Railway Company, or the holders of any class of loan or share capital in that company, the additional capital

of each class shall form part of, and rank pari passu with, the existing capital of that class, and any new class of capital may, with the consent of the majority in value of the holders of any class of security affected, rank before any existing class of capital;

(*d*) Paragraph (*a*) of the foregoing subsection, so far as it relates to the incorporation of the amalgamated company, shall not apply, and paragraph (*b*) thereof, so far as it relates to the winding up of the constituent companies, shall not apply, to the Great Western Railway Company.

Preparation and approval of absorption schemes.

4.—(1) The constituent companies in any group may, on or before the first day of January, nineteen hundred and twenty-three, submit to the Minister a scheme or schemes framed in accordance with the provisions of this Act for the absorption by the amalgamated company to be formed by the amalgamation of those constituent companies of the subsidiary companies which, under this Act, are to be absorbed by that amalgamated company, or any of those subsidiary companies, on terms agreed to by the subsidiary companies to which the scheme or schemes may relate.

(2) The Minister shall refer to the amalgamation tribunal any scheme so submitted to him, and the tribunal, unless it appears to them that the scheme does not conform with the requirements of this Act, or that the provisions of this Act relating to the procedure preliminary to the submission of an agreed scheme have not been complied with, shall confirm the scheme.

(3) If the constituent companies in any group fail on or before the said date to submit one or more agreed schemes framed in accordance with the provisions of this Act for the absorption of all the subsidiary companies which are to be absorbed by the amalgamated company to be formed by the amalgamation of those constituent companies, a scheme for the absorption of any subsidiary company with respect to which an agreed absorption scheme framed in accordance with the provisions of this

Act has not been made shall be prepared and settled in accordance with this Act by the amalgamation tribunal.

Provisions to be contained in absorption schemes.

5. An absorption scheme under this Act—

(*a*) shall provide in such manner as appears necessary or expedient for the transfer to the amalgamated company of all the property, rights, powers, duties, and liabilities, whether statutory or otherwise, of any subsidiary company to which the scheme relates; and

(*b*) shall provide for the consideration to be given to the subsidiary company or companies, and generally as to the terms and conditions of the transfer, and may provide for the consideration consisting in whole or in part of securities of the amalgamated company; and

(*c*) shall provide for the winding up of the subsidiary company or companies, and may provide on any such winding up for the holder of any securities of the subsidiary company receiving in substitution therefor and in satisfaction of all claims arising thereunder such securities of the amalgamated company forming part of the consideration for the transfer of the undertaking, and of such amounts, as may be specified in the scheme, and may, with the consent of the proprietors, provide for the payment of compensation out of the assets of a subsidiary company to the directors of the company who suffer loss by abolition of office; and

(*d*) shall incorporate the provisions of Part V. of the Railways Clauses Act, 1863, subject to the provisions of this Act; and

(*e*) shall contain such provisions with respect to the management of any superannuation, pension, provident, widows' and orphans' and other benefit fund or funds established by any subsidiary company as may be necessary in consequence of absorption, so, however, as to preserve in all other respects

the management of such funds unaltered until other provision is made by Parliament; and

(*f*) shall incorporate the provisions contained in the Third Schedule to this Act with respect to existing officers and servants; and

(*g*) may make such incidental and supplemental provisions as appear necessary or expedient in order to give full effect to the provisions of the scheme and the purposes of this Act.

Provisions as to determination of terms and conditions of amalgamation or transfer.

**6.** For the purpose of determining the terms and conditions of amalgamation between any constituent companies or of the transfer of the undertaking of any subsidiary company, the amalgamation tribunal shall take into consideration all the circumstances of the case, and in particular the value on a net revenue earning basis of each of the constituent and subsidiary companies as a separate company, and its value as a component part of the amalgamated company: so, however, that regard shall not be had to economies or accretions of traffic or other circumstances tending to enhance its value as such component part attributable solely to the provisions of this Act relating to amalgamation and absorption:

Provided that, in the case of the line of one company being worked by another company under an arrangement whereby a percentage of the gross receipts of the line so worked is payable to the owning company, the amalgamation tribunal in determining the terms and conditions of transfer shall not take into account any higher charging powers than those authorised in respect of the line under the statutory provisions in force in the year nineteen hundred and thirteen.

Supplementary provisions as to schemes.

**7.**—(1) Every amalgamation scheme and every absorption scheme shall be so framed as to come into operation on the first day of July, nineteen hundred and twenty-three, or such earlier or later date, as the amalgamation tribunal, after consultation with the Minister, may fix:

Provided that each amalgamation scheme shall be deemed to come into operation immediately before the absorption scheme or schemes by which subsidiary companies are absorbed by the amalgamated company formed by the amalgamation scheme.

(2) Before an agreed amalgamation or absorption scheme is referred to the amalgamation tribunal, the scheme shall be submitted to the proprietors and debenture stock-holders of each constituent and subsidiary company affected thereby in the manner provided in order sixty-two of the standing orders relative to private business in the House of Commons, and that order shall apply accordingly as if the scheme were a Bill, and any statement required by the order to be deposited at the Private Bill Office shall be deposited with the amalgamation tribunal.

(3) A scheme under this Part of this Act shall, when confirmed or settled by the amalgamation tribunal, be binding on all persons and have effect as if enacted in this Act, and where any such scheme provides for the substitution of any securities of an amalgamated company for securities of a constituent or subsidiary company any trustee or other person acting in a fiduciary capacity who at the date of the amalgamation or absorption held and was entitled to hold any securities of the constituent or subsidiary company shall be entitled to hold the securities of the amalgamated company which may be substituted therefor.

(4) No stamp duty shall be payable in respect of any amalgamation or absorption scheme.

(5) Printed copies of every proposed amalgamation scheme and absorption scheme submitted to the Minister or prepared by the amalgamation tribunal in accordance with the provisions of sections two and four of this Act, respectively, shall be placed on sale at such places and at such price as the Minister may direct, and notice that such copies are on sale and the places where they may be obtained shall be published in the London and Edinburgh Gazettes, and no such scheme shall be confirmed or settled by the amalgamation tribunal until the expiration of twenty-one days after the publication of such notice.

(6) Every amalgamation and absorption scheme shall be deemed to be statutory rules within the meaning of the Rules Publication Act, 1893; but nothing in this provision shall be construed as making any such scheme statutory rules to which section one of that Act applies.

56 & 57 Vict. c. 66.

(7) If as respects any group the amalgamation tribunal postpones the date on which the amalgamation

and absorption schemes relating to the group are to come into operation to a date later than the said first day of July, then, during the period of postponement, the undertakings of all the constituent and subsidiary companies in the group may, and shall if the amalgamation tribunal so direct, be used, worked, managed, maintained and repaired as one joint undertaking, and the net receipts of the joint undertaking shall be distributed amongst the constituent and subsidiary companies upon such terms and subject to such conditions and in such proportions as may be agreed upon by the several companies with the approval of the amalgamation tribunal or in default of agreement as may be determined by the amalgamation tribunal, and the following provisions of this Act relating to amalgamated companies shall apply as if such joint undertaking were the undertaking of an amalgamated company and as if the governing body of the joint undertaking were an amalgamated company.

Preliminary scheme.

8.—(1) Any two or more constituent companies in any group may, at any time after the passing of this Act, submit to the Minister for reference to the amalgamation tribunal a preliminary scheme for the amalgamation of those companies, or for the absorption by one of such companies of the other or others of them.

(2) A constituent company may, at any time after the passing of this Act, submit to the Minister for reference to the amalgamation tribunal a preliminary scheme for the absorption by that constituent company of any subsidiary company or companies in the same group upon such terms as may be agreed between those companies.

(3) The amalgamation tribunal shall approve any such preliminary scheme so referred to them unless it appears to them that the provisions of this Act relating to the procedure preliminary to the submission of a scheme have not been complied with, or unless, after hearing such of the other constituent companies in the group as desire to be heard, the tribunal consider the scheme to be inconsistent with or prejudicial to an amalgamation scheme for the whole group made in accordance with the provisions of this Act.

(4) Every such preliminary scheme shall, subject to such provisions in that behalf as may be contained therein, come into operation forthwith after it is approved.

(5) Subject to the provisions of this section, all the provisions of this Part of this Act relating to amalgamation and absorption schemes shall, with the necessary adaptations, apply respectively to preliminary amalgamation and absorption schemes except that a preliminary amalgamation scheme shall, instead of giving effect to the provisions contained in the Second Schedule to this Act with respect to the direction of the company, make such alternative provision in that respect as may be agreed between the companies to be amalgamated.

(6) In the confirmation or preparation and settlement of the amalgamation scheme for the group the amalgamation tribunal shall give effect to any preliminary scheme approved by them, but so that the interests of the other constituent companies in the group shall not be prejudiced thereby.

(7) Any company formed by a preliminary amalgamation scheme shall be deemed to be a constituent company for the purposes of this Act in lieu of the companies amalgamated by the scheme, and shall not be deemed to be an amalgamated company within the meaning of this Act.

Constitution and procedure of amalgamation tribunal.

**9.**—(1) For the purposes of dealing, in accordance with the foregoing provisions of this Part of this Act, with schemes of amalgamation and schemes of absorption, there shall be constituted a tribunal, to be called the Railways Amalgamation Tribunal (in this Act referred to as "the amalgamation tribunal") consisting of three commissioners, who shall hold office until all matters with respect to which they have jurisdiction under this Part of this Act have been settled.

(2) The first commissioners shall be Sir Henry Babington Smith, G.B.E. (who shall be president), Sir William Plender, G.B.E., and George John Talbot, Esquire, K.C., and in the event of any vacancy occurring amongst the commissioners for the time being by death, resignation, or otherwise, before the expiration of the term of office of the commissioners, His Majesty may appoint a person to fill the vacancy.

(3) The amalgamation tribunal shall be a court of record, and have an official seal, which shall be officially and judicially noticed, and may act notwithstanding any vacancy in their number, and two shall be a quorum.

(4) Any commissioner and any person authorised by the amalgamation tribunal may hold such local or other inquiries as appear necessary to the amalgamation tribunal for the purpose of the proper execution of their duties under this Act, and before any such inquiry is held the amalgamation tribunal shall give such public notice as they think best adapted for informing persons affected of the date when and the place where the inquiry will be held.

(5) The provisions of the Arbitration Act, 1889, with respect to— 52 & 53 Vict. c. 49.

(*a*) the administration of oaths and the taking of affirmations; and

(*b*) the correction in awards of mistakes and errors; and

(*c*) the summoning, attendance, and examination of witnesses and the production of documents; and

(*d*) the costs of the reference and award;

shall apply in respect of any proceedings before the amalgamation tribunal, and (except with regard to the correction of mistakes and errors in awards) at any inquiry under this section; but, save as aforesaid, the Arbitration Act, 1889, shall not apply to proceedings before the amalgamation tribunal or at any inquiry under this section.

(6) The amalgamation tribunal or person holding an inquiry under this section shall take into consideration all objections to an amalgamation or absorption scheme, or in respect of the subject matter of the inquiry, which may have been lodged by any class or body of persons within the prescribed time and in the prescribed manner and, where any objections have been so lodged, shall hear any objectors whom the tribunal consider entitled to appear.

(7) The amalgamation tribunal may, and if so ordered by the Court of Appeal or Court of Session shall, state in the form of a special case for determination by the Court of Appeal or Court of Session as the case may require, any question of law which may arise before them, and the decision of the Court of Appeal or Court of Session shall

be final unless that court give leave to appeal to the House of Lords, which leave may be given on such terms as to costs or otherwise as the Court of Appeal or Court of Session may determine.

(8) Subject as aforesaid, the amalgamation tribunal may, with the approval of the Lord Chancellor and the Lord President of the Court of Session, make rules regulating their own procedure and the procedure at any inquiry under this section.

Staff and expenses of tribunal.

**10.**—(1) The amalgamation tribunal may appoint a clerk and, subject to the consent of the Treasury as to numbers, such other officers and servants as they consider necessary for assisting them in the proper execution of their duties.

(2) There shall be paid to the commissioners and to any such clerk, officer or servant as aforesaid such remuneration as the Minister, with the approval of the Treasury, may determine, not exceeding in the aggregate thirty-five thousand pounds.

(3) Any such remuneration and any other expenses of the amalgamation tribunal shall be defrayed in the first instance by the Minister out of moneys provided by Parliament, but on the coming into operation of the amalgamation schemes under this Part of this Act the amount thereof with interest at such rate as the Treasury may appoint shall on demand be repaid to the Minister by the amalgamated companies in such proportions as the amalgamation tribunal may determine.

Composition of claims in respect of Government possession of railways.

**11.**—(1) The Minister shall, out of moneys to be provided by Parliament, place on deposit with Messrs. Glyn, Mills, Currie and Company, bankers in the city of London, the sum of sixty million pounds to the credit of a deposit account entitled "The Railways Compensation Account," and that sum shall be payable by two equal instalments of thirty million pounds each, of which the first instalment shall become due on the thirty-first day of December, nineteen hundred and twenty-one, and the second instalment shall become due on the thirty-first day of December, nineteen hundred and twenty-two, and each such instalment shall be paid within fifteen days after it so becomes due.

(2) The payment of the said sum shall be a full discharge and in satisfaction of all claims which might otherwise have been made by any railway company in Great Britain to which this section applies for compensation under the Regulation of the Forces Act, 1871, the Ministry of Transport Act, 1919, or otherwise arising out of or in respect of the possession by the Crown of the undertaking, railroad, or plant of such railway company or the exercise of the powers conferred by those Acts: 34 & 35 Vict. c. 86. 9 & 10 Geo. 5. c. 50.

Provided that the rights and liabilities of the Crown or the Minister on the one hand, and of the railway companies on the other hand, under the terms of the agreements or arrangements relating to the possession by the Crown of the railways, shall, so far as regards the making good of any deficiency in the net receipts of the companies (including the payment of interest) up to the end of the period of possession, and in relation to any sums expended and liabilities incurred by the companies in respect of repairs and renewals effected before the end of that period in accordance with the said agreements and arrangements, subsist and continue.

(3) The moneys so placed to the credit of the said account in accordance with the provisions of this section, together with any interest which may accrue thereon, shall, subject to the provisions of the next succeeding section, be distributed amongst the railway companies in Great Britain to which this section applies, in accordance with such scheme or schemes of allocation as may be agreed to by such companies, or, failing agreement, as may be settled from time to time by the amalgamation tribunal, and the amalgamation tribunal shall on request issue under their seal a certificate authenticating any such scheme or schemes as may have been agreed or settled, and Messrs. Glyn, Mills, Currie and Company shall pay to each of the said companies forthwith the amount or amounts allocated to such company in accordance with any such scheme bearing the seal of the amalgamation tribunal, and any sum allocated to any company under any such scheme shall be deemed to become, or to have become, due to the company on the date on which the instalment out of which the sum is payable becomes or became due.

(4) All moneys received by any of the said railway companies in pursuance of any such scheme of allocation

may be applied in such manner and in such proportions and at such time or times as the directors of the company may determine as a reserve fund for meeting contingencies, or for repairing improving or maintaining any of the property of the company, or for payment of interest or dividend, or for any other purpose for which the earnings of the company may be properly applied.

(5) Notwithstanding anything in the Income Tax Acts, any sum received by a railway company out of the said account shall not be charged to income tax except so far as any part thereof may, at any time, be applied for the payment of interest or dividends, and the amount so applied shall be assessed and charged to income tax for the year of assessment next following the end of the year or period in respect of which such interest or dividends were paid:

Provided that, if the total amount so applied by the railway companies for the payment of interest and dividends in respect of the three years nineteen hundred and twenty-one, nineteen hundred and twenty-two, and nineteen hundred and twenty-three is less than thirty million pounds, the deficiency (that is to say, the amount representing the difference between the said total amount and the sum of thirty million pounds) shall be assessed and charged to income tax for the year 1924–25.

(6) For the purpose of such assessment, the deficiency shall be apportioned in manner hereinafter mentioned amongst such of the railway companies as have applied for the payment of interest and dividends in respect of the said three years less than one-half of the amount received by them out of the said account, and each such company shall be assessed and charged to income tax on the amount so apportioned to it:

Provided that, where any company so assessed applies for the payment of interest or dividends in respect of any year subsequent to the year nineteen hundred and twenty-three any part of the sums received by it from the said account, so much of the amount so applied as is equal to the amount for which the company was assessed under the foregoing provisions of this subsection shall not be charged to income tax.

(7) For the purposes of such apportionment, there shall, in the case of each of the companies amongst which

the deficiency is to be apportioned, be deducted from one-half of the sum received by the company out of the said account the amount applied by that company for the payment of interest and dividends in respect of the said three years; and the deficiency shall be apportioned amongst the several companies in proportion to the amounts of the several residues so obtained.

(8) After an amalgamation scheme comes into operation, any sums received out of the said account, and any amounts applied for the payment of interest or dividends, by a constituent or subsidiary company in the group to which the scheme relates, shall, for the purposes of this section, be treated as having been so received or applied by the amalgamated company formed by the scheme.

(9) All assessments to income tax in respect of sums applied for the payment of interest or dividends, or in respect of an apportioned share of the deficiency under this section, shall be made by the special commissioners of income tax; and the amount of any such assessment shall be paid, collected, and levied in like manner as any other assessment made by the special commissioners.

(10) The railway companies to which this section applies are the railway companies of whose undertakings possession is retained under the Ministry of Transport Act, 1919, up to the end of the period of possession; that is to say, the period, ending on the fifteenth day of August, nineteen hundred and twenty-one, during which possession of those undertakings is under the said Act authorised to be retained by the Minister.

Allocation of compensation under railway agreements.

**12.**—(1) Out of the first instalment of thirty million pounds referred to in the last preceding section—

(*a*) the sum of twenty-four million five hundred thousand pounds shall be forthwith distributed amongst the companies to which the said section applies (other than the companies referred to in subsection (3) of this section) in proportion to the net receipts of those companies, respectively, during the year nineteen hundred and thirteen, covered by the first seven items in account No. 8 of the First Schedule to the Railway Companies (Accounts and Returns) Act, 1911, as already agreed for the purpose of the compensation accounts between the Government and

1 & 2 Geo. 5. c. 34.

the railway companies (but excluding any receipts classified as miscellaneous receipts (net) in the said Account No. 8), supplemented by—

(i) the inclusion in such net receipts of any sums placed to the credit of a suspense account in respect of the four per cent. increase in rates out of the revenue of nineteen hundred and thirteen; and

(ii) the addition of any sums payable by the Government to the said companies respectively for the year nineteen hundred and twenty under the agreements or arrangements aforesaid in respect of interest on capital expenditure; and

(*b*) The sum of five hundred thousand pounds shall be set aside for the payment thereout of such compensation as may be awarded by the amalgamation tribunal to any of the companies referred to in subsection (3) of this section; and

(*c*) the sum of five million pounds shall be set aside for distribution subject as hereinafter provided amongst those railway companies to whom the said section applies (other than the companies referred to in subsection (3) of this section) and who are able to show to the satisfaction of the amalgamation tribunal that they have suffered abnormally by the standardisation of rates of pay, hours of duty, and other conditions of service. For the purpose of determining the basis of compensation owing to abnormal increase in working expenses due to such standardisation, the cost of salaries and wages for the last four months of the year nineteen hundred and twenty-one of the railways to which the said section applies compared with the cost of salaries and wages of the same railways for the same four months of the year nineteen hundred and thirteen shall be ascertained and the average percentage increase shall be deemed to be the normal ratio of increase for the purpose of this section. Any company whose ratio of increase is above such normal ratio shall make out a claim showing the extent above the normal ratio of increase to

which it has suffered by standardisation during the said four months. The claims of all the companies presenting such claims shall be considered by the amalgamation tribunal, who shall allocate amongst such last-mentioned companies in proportion to the claim which they may establish to the satisfaction of the amalgamation tribunal, the said sum of five million pounds or such lesser sum as may be sufficient to satisfy such claims as so established; and

(*d*) any sum remaining out of the two said sums of five hundred thousand pounds, and five million pounds after payment to the various railway companies to whom the said section applies (other than the companies referred to in subsection (3) of this section), under the two last preceding paragraphs and including any interest which may have accrued, shall be distributed between the whole of the companies entitled to participate in the said sum of twenty-four million five hundred thousand pounds as if such sums and the interest thereon had been added to the twenty-four million five hundred thousand pounds.

(2) Out of the second instalment of thirty million pounds payable under the said section of this Act—

(*a*) the sum of twenty-five million pounds shall be distributed amongst those companies to whom the said section applies (other than the companies referred to in subsection (3) of this section), and who on the thirty-first day of December, nineteen hundred and twenty, were in arrear in respect of the maintenance and renewal of way and works and/or rolling stock (abstracts A and B set out in the form of accounts scheduled to the Railway Companies (Accounts and Returns) Act, 1911) in proportion to the extent to which they were so in arrear. The amount of such arrear shall be ascertained in accordance with the arrangements agreed between His Majesty's Government and the railway companies in Great Britain in respect of arrears of maintenance and renewal

work, as set out in addendum 2 of Command Paper 654 (1920);

(*b*) The sum of five million pounds shall be set aside for distribution subject as hereinafter provided amongst those railway companies who shall have established or shall establish to the satisfaction of the amalgamation tribunal their right to participate in the distribution of the sum of five million pounds mentioned in subsection (1) (*b*) of this section in accordance with the provisions of that subsection except that the words "the year nineteen hundred and twenty-two" shall be deemed to be substituted for the words "last four months of the year nineteen hundred and twenty-one" and the words "year nineteen hundred and thirteen" shall be deemed to be substituted for the words "same four months of the year nineteen hundred and thirteen" in the said subsection;

(*c*) Any sum remaining out of the five million pounds after payment to the various railway companies under the preceding paragraph, including any interest which may have accrued, shall be divided between the whole of the companies to whom the said section applies (other than the companies referred to in subsection (3) of this section) as if such sum and the interest thereon had been added to the twenty-four million five hundred thousand pounds referred to in subsection (1) paragraph (*a*).

(3) No portion of the sum of sixty million pounds referred to in the said section of this Act or the interest thereon shall be allocated to any company which is neither itself conducting its traffic nor maintaining its undertaking unless the tribunal shall determine, on the application of such company, that such company would, but for the provisions of the last preceding section, be entitled to receive compensation from the Minister of the Crown under the Regulation of the Forces Act, 1871, the Ministry of Transport Act, 1919, or otherwise arising out of or in respect of possession of their undertaking by the Crown, but no such application shall be made after the thirtieth day of April, nineteen hundred and twenty-two. The amount of such compensation shall be determined by

the tribunal and shall be paid out of the said sum of five hundred thousand pounds.

Power of constituent companies to issue redeemable debenture stock.

13.—(1) It shall be lawful for any constituent company and, with the consent of the constituent companies in the group, for any subsidiary company, prior to amalgamation under this Act, with the sanction of the Minister, and notwithstanding any limitation on the powers of borrowing of the company, to borrow on mortgage of its undertaking by means of terminable securities to such amount, at such rate of interest, redeemable within such period, and subject to such conditions as the Minister may sanction, with the consent of the majority in amount of the proprietors and of the holders of the existing mortgage securities of the company, at special meetings called for the purpose, but the amount so borrowed shall in no case exceed one-eighth of the existing mortgage securities of that company.

(2) The constituent companies in any group may, in like manner and subject to the like conditions, guarantee any such securities issued by any one or more of them, or by any one or more subsidiary companies in the group.

(3) Where a scheme of amalgamation or absorption has been referred to or is being prepared or has been confirmed or settled by the amalgamation tribunal, the powers under this section shall not be exercised by any constituent or subsidiary company affected by the scheme without the consent of the amalgamation tribunal.

Railway Clearing House.

14.—(1) An amalgamated company shall, for the purposes of the Railway Clearing House and the Acts relating thereto, be deemed to be a party to the clearing system in place of the constituent and subsidiary companies from which it was formed.

(2) The Railway Clearing House may submit to the amalgamation tribunal and the amalgamation tribunal shall settle a scheme to effect such alterations of the Acts and regulations applicable to the Railway Clearing House as may be rendered necessary by reason of the constitution of amalgamated companies.

(3) The provisions of this Part of this Act applicable to an amalgamation scheme when settled by the amalgamation tribunal shall apply to a scheme under this section.

(4) The provisions of the Third Schedule to this Act shall apply to persons who were at the date of the introduction of the Bill for this Act officers and servants of the Railway Clearing House as if the Railway Clearing House were an amalgamated company and those officers and servants were officers and servants of a constituent company.

Power of trustees to invest in securities of amalgamated companies. 56 & 57 Vict. c. 53.

**15.** For the purposes of the provisions of the Trustee Act, 1893, and the Trusts (Scotland) Acts, 1861 to 1910, relating to the securities in which trustees are authorised to invest trust funds, an amalgamated company or a company constituted by a preliminary amalgamation scheme shall be treated as if it were a railway company in Great Britain incorporated by special Act of Parliament and had, in each of the ten years immediately before the date of amalgamation, paid a dividend at the rate of not less than three per centum per annum on its ordinary stock.

## PART II.

### REGULATION OF RAILWAYS.

Power to make orders as to working of railway companies.

**16.**—(1) With a view to securing and promoting the public safety, or the interests of the public, or of trade, or of any particular locality, the Railway and Canal Commission may, on the application of any body of persons representing any such interests, by order require any railway company or companies, or the Minister may, on the application of any such company or companies, by order authorise the company or companies, to afford such reasonable railway services, facilities, and conveniences upon and in connection with its undertaking or their undertakings (including the provision of such minor alterations and extensions and improvements of existing works as will not involve in any one case an expenditure exceeding one hundred thousand pounds) as may be specified in the order:

Provided that, if on any such application a company satisfies the Railway and Canal Commission that under all the circumstances the capital required for the purpose cannot be provided or expended as proposed without prejudicially affecting the interests of the then existing stockholders, the order shall not be made:

Provided further that the powers under this subsection shall be in addition to and not in derogation of any other existing powers of requiring measures for securing the safety of the public or the provision of reasonable facilities.

(2) The Minister may, after such reference as is hereinafter mentioned, by order require or authorise any railway company or any two or more railway companies on such terms and subject to such conditions as may be specified in the order—

(*a*) to conform gradually to measures of general standardisation of ways, plant and equipment (including methods of electrical operation, type, frequency, and pressure of current);

(*b*) to adopt schemes for the co-operative working or common user of rolling stock, workshops, manufactories, plant and other facilities:

Provided that—

(i) it shall not be necessary to make such a reference as aforesaid if the company or all the companies affected by the order consent thereto; and

(ii) if on any such application to enforce the order as is hereinafter mentioned any company satisfies the Railway and Canal Commission that the order is such that the capital expenditure involved cannot be provided or expended without prejudicially affecting the interests of the then existing stockholders, the order shall not be enforceable as against that company.

(3) Before making any order under the last foregoing subsection the Minister shall (except as hereinbefore provided) refer the draft order to a committee consisting of a representative of each of the amalgamated companies (each of which companies shall, on being so required by the Minister, nominate a representative), and three persons of experience in the subject-matter of the proposed order selected by the Minister from the panel set up under section twenty-three of the Ministry of Transport Act, 1919, as extended by this Act, and the committee

before reporting or advising shall, if they see fit, give public notice and permit any persons affected or likely to be affected and any authority or body of persons authorised to make applications under this Act to place their views before them, either in writing or orally.

(4) Any order of the Minister under this section shall be complied with by any railway company to which the order relates, and in the event of non-compliance shall (subject as hereinbefore provided) be enforceable by order of the Railway and Canal Commission on the application of the Minister in any of the ways referred to in section three of the Railway and Canal Traffic Act, 1854, or section six of the Regulation of Railways Act, 1873.

17 & 18 Vict. c. 31. 36 & 37 Vict. c. 48.

Power to make orders as to acquisition of land, &c.

17. For enabling railway companies to effect alterations, extensions, and improvements of existing works in pursuance of an order of the Railway and Canal Commission or the Minister under this Part of this Act, the Minister may make any such order authorising the acquisition of land or easements and the construction of works as could have been made under paragraph (*d*) of subsection (1) of section three of the Ministry of Transport Act, 1919, for the purposes specified in that paragraph, and that paragraph and section twenty-nine of the same Act, other than the proviso to subsection (3) of that section and the rules made under that section, and the regulations contained in the Second Schedule to the same Act shall, so far as they relate to railways, apply accordingly.

Power to confirm agreements for the purchase, lease, or working of railways.

18. Where an agreement has been or may hereafter be entered into for the purchase, lease, or working by one railway company of any part of the system of another railway company, the Minister may, by order, confirm the agreement, and where any such agreement has been so confirmed it shall be lawful for the companies to carry the agreement into effect:

Provided that, before confirming any such agreement, the Minister shall comply with the provisions of section twenty-nine of, and the Second Schedule to, the Ministry of Transport Act, 1919, including any rules made under the said section; and the said section, schedule, and rules shall apply to the confirmation of any such agreement in like manner as they apply to the making of an order under

paragraph (*d*) of subsection (1) of section three of the said Act.

Restrictions on combination.

**19.**—(1) Save as in this Act expressly provided, nothing in this Act shall prejudice or affect the rights or liabilities of any constituent or subsidiary company under any Act or agreement or arrangement (whether made under statutory powers or otherwise) in existence at the passing of this Act, but from and after the passing of this Act it shall not be lawful for any constituent or subsidiary company or for any amalgamated company without the consent of the Minister to enter into agreements with any constituent or subsidiary company in another group or with any other amalgamated company, as the case may be, for the allocation of traffic or the pooling of receipts or otherwise for effecting a combination which would contravene the purposes of this Act:

Provided that it shall be lawful for any two or more amalgamated companies to make and carry into effect, with the consent of the Minister, agreements for the joint working of the undertakings of subsidiary companies acquired by one of such amalgamated companies under the provisions of this Act.

(2) Before giving his consent under this section the Minister shall, unless it appears to him that the matter is one of such small importance that it is unnecessary to do so, refer the matter for consideration and report to a committee selected from the panel set up under section twenty-three of the Ministry of Transport Act, 1919, as extended by this Act.

(3) Schedules of all agreements and arrangements in existence at the passing of this Act (whether made under statutory powers or otherwise) in which provision is made for the allocation of traffic or the pooling of receipts therefrom on any railways which will become railways of different amalgamated companies, giving particulars of the dates of such agreements or arrangements, and the parties thereto, shall, on request by the Minister, be furnished to him and such further particulars as the Minister may require in regard to such agreements or arrangements shall be furnished to him by the companies affected thereby if and when demanded.

## PART III.

## RAILWAY CHARGES.

*Constitution and Procedure of Rates Tribunal.*

Rates tribunal.

**20.**—(1) There shall be established a court styled the Railway Rates Tribunal (in this Act referred to as the "rates tribunal"), consisting of three permanent members, with power to add to their number as hereinafter provided, and the rates tribunal shall be a court of record and have an official seal which shall be judicially noticed, and the rates tribunal may act notwithstanding any vacancy in their number.

(2) The permanent members of the rates tribunal shall be whole-time officers and shall hold office for such term not exceeding seven years from the date of their appointment as may be determined at the time of appointment and then retire, but a retiring member shall be eligible for reappointment.

(3) The permanent members of the rates tribunal may be appointed by His Majesty at any time after the passing of this Act, and from time to time as vacancies occur, and shall be so appointed on the joint recommendation of the Lord Chancellor, the President of the Board of Trade, and the Minister.

(4) Of the permanent members of the rates tribunal one shall be a person of experience in commercial affairs, one a person of experience in railway business, and one, who shall be the president, shall be an experienced lawyer.

Appointment of officers and expenses of tribunal.

**21.**—(1) The rates tribunal may appoint a clerk and such other officers and servants (subject to the consent of the Treasury as to number and not exceeding ten) as they may consider necessary for assisting them in the proper execution of their duties, and there shall be paid to the permanent members of the rates tribunal and to any such clerk, officer or servant as aforesaid such remuneration (including, in the case of such clerk, officers, and servants, superannuation allowances or gratuities on retirement) as the Minister, with the approval of the Treasury, may determine.

(2) Any such remuneration and any other expenses of the rates tribunal incurred in the exercise and performance of their powers and duties shall be defrayed by the Minister out of moneys provided by Parliament, but, so far as the aforesaid expenses are not met out of the amount recovered by way of fees, they shall, on demand, be repaid to the Minister by the amalgamated companies as part of their working expenses in such proportions as the rates tribunal may determine.

Procedure.

**22.**—(1) The rates tribunal may, from time to time, with the approval of the Lord Chancellor, the Lord President of the Court of Session, and the Minister, make general rules governing their procedure and practice and generally for carrying into effect their duties and powers under this Part of this Act, and such rules may, amongst other things, provide for—

(*a*) the awarding of costs by the tribunal, but so that in proceedings before the rates tribunal at the instance of any company or person, other than disputes between two or more railway companies, the tribunal shall not have power to award costs unless they are of opinion that either the application or claim or complaint or defence or objection, as the case may be, is frivolous and vexatious;

(*b*) the reference of any question to a member or officer of the tribunal, or any other person appointed by them, for report after holding a local inquiry;

(*c*) the number of members of the tribunal to constitute a quorum;

(*d*) enabling the tribunal to dispose of any proceedings before them, notwithstanding that in the course of the proceedings there has been a change in the persons sitting as members of the tribunal;

(*e*) the right of audience before the tribunal, provided that any party shall be entitled to be heard in person, or by a representative in the employment of the party duly authorised in writing, or by counsel or solicitor;

and may, subject to the consent of the Treasury, prescribe a scale of fees for and in connection with the proceedings before the tribunal.

(2) The Minister shall give to the rates tribunal such assistance as the tribunal may require, and shall place at the disposal of the tribunal any information in his possession which he may think relevant to the matter before the tribunal, and the Minister shall be entitled to appear and be heard in any proceedings before the tribunal.

(3) The rates tribunal shall annually make a report to the Minister of their proceedings under this Act, which report shall be laid before Parliament.

Sittings

23. Subject to the provisions of this Part of this Act and to the rules made thereunder, the rates tribunal may hold sittings in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them. The central office of the tribunal shall be in London.

Additional members of tribunal.

24.—(1) There shall be constituted two panels, the one (hereinafter referred to as the general panel) consisting of thirty-six persons, twenty-two being nominated by the President of the Board of Trade after consultation with such bodies as he may consider to be most representative of trading interests, twelve being nominated by the Minister of Labour after consultation with such bodies as he may consider most representative of the interests of labour and of passengers upon the railways, and two being nominated by the Minister of Agriculture and Fisheries after consultation with such bodies as he may consider most representative of agricultural and horticultural interests, and the other (hereinafter referred to as the railway panel) consisting of eleven persons nominated by the Minister after consultation with the Railway Companies' Association, and one person nominated by the Minister to represent railways and light railway companies not parties to the Railway Companies' Association.

(2) A member of a panel shall hold office for such term, not exceeding three years from the date of his appointment, as may be determined at the time of appointment, and then retire, but shall be eligible for reappointment.

(3) If a vacancy occurs amongst the permanent members of the rates tribunal, or if any permanent member of the rates tribunal is incapacitated by prolonged illness or other unavoidable cause from attending meetings of the tribunal, then pending the filling up of such vacancy or during such absence,

(*a*) in the case of the president, the Lord Chancellor may appoint a person to act in his place;

(*b*) in the case of either of the other permanent members, the Minister may appoint a member of a panel to act in his place, the person so appointed being selected from the general panel or the railway panel according to the qualification of the permanent member in question.

(4) Whenever for the purposes of any particular case or proceeding the rates tribunal either upon application by any of the parties or otherwise so request, or the Minister thinks it expedient, there shall be added to the rates tribunal two additional members nominated by the Minister from the panels, one selected from the general panel and one from the railway panel.

In selecting a member from the general panel, regard shall be had to the particular class of case or proceeding to be heard, so that, as nearly as may be, the person so selected shall be conversant with and have knowledge of the technicalities that may arise in such particular case or proceeding.

(5) Any person appointed under the provisions of this section shall, for the purposes of any proceedings in respect of which he may be so appointed, be a member of the rates tribunal and shall, subject to the provisions of this Part of this Act and to the general rules made thereunder, exercise all the powers and functions of a permanent member of the rates tribunal.

Decisions.

**25.** The decisions of the rates tribunal shall be by a majority of the members including the additional members, and shall not be subject to review otherwise than under the provisions of this Part of this Act relative to appeals from the rates tribunal.

Appeals. 51 & 52 Vict. c. 25.

**26.** Section seventeen of the Railway and Canal Traffic Act, 1888, shall apply in respect of appeals from the rates tribunal in like manner as it applies to appeals from the Railway and Canal Commission:

Provided that, in cases where an appeal lies, the question whether the appeal is to be to the court of appeal or to the Court of Session shall be determined in accordance with general rules made under this Part of this Act.

*Jurisdiction of Tribunal.*

Transfer of powers of Railway and Canal Commission.

**27.** Any existing functions of or powers exercisable by the Railway and Canal Commission shall, in so far as they are exercisable by the rates tribunal by virtue of this Act, cease as from the appointed day hereinafter mentioned to be functions of or powers exercisable by that Commission.

Functions of tribunal.

**28.**—(1) The rates tribunal shall, in addition to any other powers conferred upon them under this Part of this Act, have power to determine any questions that may be brought before them in regard to the following matters:—

(*a*) The alteration of the classification of merchandise, or the alteration of the classification of any article, or the classification of any article not at the time classified, or any question as to the class in which any article is classified;

(*b*) The variation or cancellation of through rates;

(*c*) The institution of new, and the continuance, modification, or cancellation of existing group rates;

(*d*) The variation of any toll payable by a trader;

(*e*) The amount to be allowed for any terminal services not performed at a station, or for accommodation and services in connection with a private siding not provided or performed at that siding;

(*f*) The reasonableness or otherwise of any charge made by a railway company for any services or accommodation for which no authorised charge is applicable;

(*g*) The reasonableness or otherwise of any conditions as to packing of articles specially liable to damage in transit or liable to cause damage to other merchandise;

(*h*) The articles and things that may be conveyed as passengers' luggage;

(*i*) The constitution of local joint committees and their functions and the centres at which they are to be established.

(2) The powers of the rates tribunal under paragraphs (*b*) to (*f*) of this section shall not be exercisable until the appointed day.

*Classification of Merchandise.*

Classification of merchandise.

**29.**—(1) The classification of merchandise for the purposes of this Part of this Act shall, in the first instance, be that determined by the committee appointed under section twenty-one of the Ministry of Transport Act, 1919, and that committee shall have power to settle such classification as if they had been empowered for that purpose by that Act, and, notwithstanding anything contained in that Act, shall continue in existence until they have settled such classification.

(2) The classification shall be divided into such number of classes containing such descriptions of merchandise as the committee think fit, and the committee, in determining the class into which any particular merchandise shall be placed, shall, in addition to all other relevant circumstances, have regard to value, to the bulk in comparison to weight, to the risk of damage, to the cost of handling, and to the saving of cost which may result when merchandise is forwarded in large quantities.

*Standard Charges.*

Submission of schedules of charges.

**30.**—(1) The constituent companies in each group shall jointly, or with the consent of the rates tribunal any one or more of such companies may, submit to the rates tribunal not later than the thirty-first day of December, nineteen hundred and twenty-two, or such later date as the Minister may allow, a schedule of the standard charges proposed to be made by the amalgamated company into which they are to be formed,

according to the classification fixed as aforesaid, and shall (except as hereinafter provided) show in that schedule the rates for the conveyance of merchandise, the amounts of terminal charges, and the fares for the conveyance of passengers and their luggage, and every such schedule shall be published in such manner as the rates tribunal may direct.

(2) The schedules so submitted shall be divided into the parts and be in the form mentioned in the Fourth Schedule to this Act, or into such other parts or in such other similar form as the rates tribunal may prescribe.

Settlement of schedules.

**31.** The rates tribunal shall consider the schedules of charges so submitted to them and any objections thereto which may be lodged within the prescribed time and in the prescribed manner, and, after hearing all parties interested and who are desirous of being heard, shall, in accordance with the provisions hereinafter contained, settle the schedules of charges and appoint a day (hereinafter called "the appointed day") when the same shall come into operation.

Obligation to charge standard charges.

**32.** On and from the appointed day the charges appearing in the schedule of charges as fixed by the rates tribunal for each amalgamated company (in this Part of this Act referred to as "the standard charges") shall be the charges which that company shall be entitled to make for all services rendered in respect of which charges are fixed, and no variation either upwards or downwards shall be made from such authorised charges unless by way of an exceptional rate or an exceptional fare continued, granted, or fixed under the provisions of this Part of this Act, or in respect of competitive traffic in accordance therewith.

Application of schedules to non-amalgamated companies.

**33.** As respects railway companies, other than amalgamated companies and light railway companies and railway companies whose powers of charging have, since the fourteenth day of August, nineteen hundred and nineteen, been increased by special Act either generally or in relation to any particular class of traffic, the rates tribunal shall apply to each such company the schedule of charges of such one of the amalgamated companies as, after considering any objections thereto

which may be lodged within the prescribed time and in the prescribed manner and after giving the company in question and all other parties whom they consider to be entitled to be heard before them an opportunity of being heard, appears to the tribunal to be most appropriate to the case of that company, and may so apply it either without modification or subject to such modifications as the tribunal may think fit; and, where a schedule has been so applied to any company, the last foregoing section shall apply to the company as if it were an amalgamated company.

Repeal of existing provisions.

**34.**—(1) As from the appointed day all statutory provisions, and the provisions of all agreements with respect to classification of merchandise and with respect to charges for or in connection with the carriage of merchandise or passengers by any railway which becomes a railway of an amalgamated company, or of a railway company to which a schedule of standard charges is applied, shall to the extent to which those provisions relate to the matters aforesaid be repealed and cease to be operative, except so far as any statutory provision authorises for the purpose of calculation of distance a special mileage to be allotted in respect of any portion of a railway, and except so far as, in the case of any such agreement or in the case of a statutory provision fixing a special charge, it may be continued under the provisions of this Part of this Act or by an order of the rates tribunal:

Provided that nothing in this Act shall, except as otherwise expressly provided, affect the provisions of section six of the Cheap Trains Act, 1883 (which relates to the conveyance of His Majesty's forces and matters connected therewith). 46 & 47 Vict. c. 34.

(2) In the case of the rates fixed under paragraph (v) of subsection (1) of section six of the Cheap Trains Act, 1883, or in any case where it is proved to the satisfaction of the rates tribunal that any charge in operation on the fourth day of August, nineteen hundred and fourteen, and fixed under any subsisting agreement or special statutory provision was originally so fixed for valuable consideration, the rates tribunal shall, and in any other case may, by order continue the charge, subject to such adjustment, if any, as to the tribunal may appear fair and equitable, and in making such adjustment, if any, the tribunal shall, as far as practicable, provide that the relative

position between persons entitled to the charge and other persons as existing on the said fourth day of August shall not be prejudiced or improved.

Subsequent modifications of standard charges.

**35.** Any amalgamated company or any railway company to which a schedule of standard charges has been applied, or any representative body of traders or any person who may obtain a certificate from the Board of Trade that he is, in the opinion of the Board of Trade, a proper person for the purpose, shall be entitled at any time to apply to the rates tribunal to modify the standard charges or any of them, or any conditions relative thereto, and, if any such company or body of traders or person, as the case may be, prove to the satisfaction of the rates tribunal that the standard charges or conditions or any of them ought to be modified, the tribunal shall make such modifications as they think fit, and shall fix the date as from which the modified standard charges or conditions shall be effective:

Provided that subsections (3), (4), (5), and (6) of section fifty-nine of this Act shall apply to any application for a general revision or variation of standard charges of an amalgamated company under this section as if such application were a review of standard charges and exceptional charges under that section:

Provided also that, where the schedule of standard charges of any amalgamated company has been applied to any other company, the tribunal may modify the charges or any of them in the schedule as applied to the amalgamated company without modifying them in the schedule as applied to such other company, or modify them in the schedule as applied to such other company without modifying them in the schedule as applied to the amalgamated company.

*Exceptional Charges.*

Provisions as to existing exceptional rates.

**36.**—(1) On and from the appointed day all exceptional rates in operation immediately before the appointed day on the railway of any amalgamated company or any company to which a schedule of standard charges has been applied shall cease to operate, with the exception of such exceptional rates as—

(*a*) are not less than five per cent. below the standard rates which would otherwise on and from the appointed day become chargeable; and

(*b*) have been continued by agreement in writing between the railway company and the trader concerned or, failing agreement, have been notified in writing to the secretary of the railway company by the trader with a request that they should be referred to the rates tribunal for determination by them, in which case the rates shall continue until determined by the rates tribunal, and the onus of proving that any such rates should be altered or discontinued shall be upon the railway company;

so nevertheless that no rate which has not been applied to the charging of merchandise actually forwarded within the two years preceding the first day of January, nineteen hundred and twenty-three, shall be continued unless the trader can prove to the satisfaction of the railway company or, failing agreement with the railway company, to the satisfaction of the rates tribunal—

(i) that its non-application is solely due to abnormal conditions of trade; or

(ii) that a rate of equal amount to the same destination remains in operation at other stations or sidings in the same group or area :

Provided that, if the trader and the railway company agree to continue any rate which will be more than forty per cent. below the standard rate chargeable as aforesaid, the rate shall, before the appointed day, be referred to the rates tribunal, and, if so referred, shall continue until the tribunal have determined the matter.

(2) Any such agreement or determination may provide for the continuance of any exceptional rate at the same or any higher figure or charge, not being, in the case of an agreement between a railway company and a trader, less than five per cent. nor more than forty per cent. below the standard rate chargeable, and for a specified period of time.

New exceptional rates.

**37.**—(1) On and after the appointed day an amalgamated company or a railway company to which a schedule of standard charges has been applied shall be at liberty to grant new exceptional rates in respect of the carriage of any merchandise, which rates shall within fourteen days, or such longer period as the Minister may

allow, be reported to the Minister; so, however, that a new exceptional rate so granted shall not, without the consent of the rates tribunal, be less than five per cent. or more than forty per cent. below the standard rate chargeable.

(2) If the Minister is of opinion that any company is granting new exceptional rates in such manner as prejudicially to affect any class of users of the railway not benefited by such rates, or so as to jeopardise the realisation of the standard revenue of such company, he may refer the matter to the rates tribunal, who may, after giving all parties interested an opportunity of being heard, take either or both of the following courses:—

(*a*) revise the standard charges of that company or any of them:

(*b*) cancel or modify all or any of such exceptional rates.

(3) Any trader may, at any time, apply to the rates tribunal to fix a new exceptional rate.

Variation of exceptional rates.

**38.**—(1) An amalgamated company or a railway company to which a schedule of standard charges has been applied shall not be entitled to increase or cancel any exceptional rate which has been fixed by the rates tribunal without first obtaining the sanction of that tribunal.

(2) Any such company may, at any time, reduce any exceptional rate, so, however, that the rate shall not, without the consent of the rates tribunal, be reduced so as to be more than forty per cent. below the standard rate which would be chargeable, but any such reduction shall be reported to the Minister in like manner as if it were the grant of a new exceptional rate.

(3) Any such company may, at any time, increase any exceptional rate which has not been fixed by the rates tribunal on giving thirty days' notice in such manner as the rates tribunal may prescribe of the proposed increase, and on the expiration of such notice may, if no objection be raised by any trader interested, forthwith bring the increased rate into force, provided that it is not less than five per cent. below the standard rate chargeable, but, if such an objection be raised or if the rate when increased would be less than five per cent. below the standard rate chargeable, the increase shall not have effect unless and until the rates tribunal, after giving the company an opportunity of being heard, so determine:

Provided that no trader shall be entitled to object to an increase of an exceptional rate reduced by a railway company since the appointed day unless the effect of the increase is to make the rate applicable to his traffic higher than the rate applicable thereto immediately before the reduction.

(4) Any such company may, at any time, cancel any exceptional rate which has not been fixed by the rates tribunal on giving thirty days' notice in such manner as the rates tribunal may prescribe of the proposed cancellation, and on the expiration of such notice may, if no objection be raised by any trader interested, forthwith cancel the rate as proposed, but, if any such objection be raised, the cancellation shall not have effect unless and until the rates tribunal, after giving the company an opportunity of being heard, so determine:

Provided that no trader shall be entitled to object to the cancellation of an exceptional rate granted by a railway company since the appointed day unless the effect of the cancellation is to make the rate applicable to his traffic higher than the rate applicable thereto at the date when the exceptional rate was granted.

(5) No such increase or cancellation shall take effect in the case of any exceptional rate referred to the rates tribunal under paragraph (*b*) of subsection (1) of section thirty-six of this Act pending the decision of the tribunal with reference thereto, and any exceptional rate agreed under the said section thirty-six shall not be increased or cancelled for a period of twelve months after the appointed day except as part of a general increase under this Part of this Act or to abate an undue preference.

(6) Any trader or representative body of traders interested in the rate, or any such company, shall be entitled to apply to the rates tribunal at any time to cancel or vary any exceptional rate.

(7) Any such company may cancel any exceptional rate existing after the appointed day which for a period of two years shall not have been applied to the charging of merchandise actually forwarded by railway.

Review of competitive exceptional rates.

**39.** If and whenever representations are made to the Minister by any body of persons who, in the opinion of the Board of Trade, are properly representative of the interests of shipping or canals, that exceptional rates are being charged which are competitive with coastwise

shipping or canals in such a manner as to be detrimental to the public interest, and which are inadequate having regard to the cost of affording the service or services in respect of which the rates are charged, the Minister shall (if satisfied that a primâ facie case has been made out) refer the matter to the rates tribunal for review, and the rates tribunal may, after hearing all parties whose interests are affected, vary or cancel such rates or make such other order as may seem to them expedient.

Disintegration of exceptional rates.

**40.**—(1) Where application is made to the rates tribunal to fix or sanction any exceptional rate for the carriage of merchandise between two stations, or between a station and a siding, or between two sidings, or between either a station or a siding and a junction, the rates tribunal in fixing or sanctioning the exceptional rate shall determine the amounts (if any) to be included in the rate for the following services:—

(*a*) conveyance;
(*b*) station terminals;
(*c*) service terminals;
(*d*) accommodation provided and services rendered at or in connection with a private siding.

(2) Where an amalgamated company or a railway company to which a schedule of standard charges has been applied grants an exceptional rate for the carriage of merchandise between two stations, or between a station and a siding, or between two sidings, or between either a station or a siding and a junction, without referring to the rates tribunal, and the company shows in the quotation for the rate and in the rate book the amount (if any) included therein for such several services as aforesaid, the disintegration of the exceptional rate as so shown shall be conclusive unless a trader interested in the rate complains that the amount allocated to any particular service is unreasonable, in which event the onus of proof shall be on the railway company.

(3) Where any such company in granting such an exceptional rate has not distinguished in the quotation for the rate or in the rate book the amounts included therein for such several services as aforesaid—

(*a*) the rate, in the case of a station-to-station rate, shall be deemed to be composed of conveyance rate and terminal charges in proportion to the

amounts included in the corresponding standard rate for the same service and accommodation in respect of similar goods between the same stations; and

(*b*) in the case of any other rate, the company shall, within fourteen days after application in writing by any person interested in the disintegration of the rate, afford that person information of the amounts (if any) included in the rate for the several services aforesaid.

(4) Any dispute as to the disintegration of any such exceptional rate shall be determined by the rates tribunal at the instance of either a trader or the railway company.

(5) For the purposes of determining any question of an alleged undue or unreasonable preference or advantage, the Railway and Canal Commission shall not have regard to the separate component parts of any rate as shown in the rate book or as determined by this section, but shall, unless in any case in which an application has been made for the purpose it is proved to the satisfaction of the Commission that a consideration of the component parts of the rate would be fair and reasonable, determine the question in reference to the total rate for carriage applicable to the merchandise in respect of which such undue or unreasonable preference or advantage is alleged to arise and the conditions under which the rate applies.

Exceptional fares.

**41.**—(1) Any amalgamated company or railway company to which a schedule of standard charges has been applied may charge fares below the standard fares in such circumstances as the company may think fit, but the circumstances in which such exceptional fares, if below ordinary fares, may be charged, and the amount of reduction below the standard fare, shall be reported to the Minister within fourteen days, or such longer period as the Minister may allow, after the decision has been arrived at.

(2) If the Minister is of opinion that any company has granted exceptional fares in such a manner as prejudicially to affect any other class of users of the railway, or so as to jeopardise the realisation of the standard revenue of the company, he may refer the matter to the rates tribunal, who may, after giving the parties interested an opportunity of being heard, cancel or modify all or any of the exceptional fares so granted.

*Conditions of Carriage.*

Submission of proposed conditions.

**42.** Within six months from the passing of this Act, or within such further time as the rates tribunal may permit, the constituent companies in all the groups shall jointly submit to, and publish in such manner as may be prescribed by, the rates tribunal—

(*a*) the terms and conditions (hereinafter called "company's risk conditions") on and subject to which merchandise other than live stock, and live stock, will respectively be carried if carried at ordinary rates;

(*b*) the terms and conditions (hereinafter called "owner's risk conditions") on and subject to which merchandise other than live stock, and, subject as hereinafter provided, live stock, will respectively be carried if carried at owner's risk rates;

(*c*) the terms and conditions on and subject to which damageable goods not properly protected by packing will be carried.

Settlement by tribunal.

**43.**—(1) The rates tribunal shall consider the terms and conditions so submitted, or, if the companies fail to submit terms and conditions within the time so allowed, shall themselves prepare and publish provisional terms and conditions, and after hearing any representative body of traders who may desire to be heard or any person who may obtain a certificate from the Board of Trade that he is, in the opinion of the Board of Trade, a proper person for the purpose, and any other party whom they consider entitled to be heard, shall settle, and when settled publish in the London and Edinburgh Gazettes the terms and conditions which they consider just and reasonable, and shall fix a date, not earlier than two months after such publication, upon which those terms and conditions are to come into force.

(2) When the terms and conditions so settled come into force they shall be the standard terms and conditions of carriage for all railway companies and shall be deemed to be reasonable.

Conditions on which merchandise to be carried.

**44.**—(1) On and after the date so fixed as aforesaid the terms and conditions upon and subject to which merchandise is apart from special contract to be carried by a railway company shall be company's risk

conditions, and those conditions shall apply without any special contract in writing to the carriage of merchandise at ordinary rates:

Provided that, in any case where an owner's risk rate is in operation and the company has been requested in writing to carry at that rate, the terms and conditions upon and subject to which such goods shall be carried shall be owner's risk conditions.

(2) The terms and conditions upon and subject to which damageable goods not properly protected by packing (if accepted by the company for carriage) shall be carried by a railway company shall be the conditions settled by the rates tribunal as aforesaid, but the company shall not be under any obligation to carry damageable goods not properly protected by packing.

(3) Subject to the provisions of the Railway and Canal Traffic Acts, 1854 and 1888, nothing in this Act shall preclude a company and a trader from agreeing in writing to any terms and conditions they think fit for the carriage of merchandise, live stock or damageable goods not properly protected by packing, or dangerous goods. 17 & 18 Vict. c. 31.

**45.** At any time after the date when the terms and conditions so settled as aforesaid come into force a railway company or any representative body of traders may apply to the rates tribunal to amend, alter or add to those terms and conditions, and the tribunal may, after hearing all parties whom they consider entitled to be heard, make such amendments, alterations, or additions of or to such terms and conditions as the tribunal think just and reasonable, and fix a date as from which they are to come into operation. Alteration of conditions.

*Miscellaneous Provisions as to Charges.*

**46.**—(1) When settling a schedule of charges, or within twelve months or such longer period thereafter as in any case the Minister may allow, the rates tribunal shall determine what reductions shall be made from the standard charges where damageable merchandise is carried by railway under owner's risk conditions, and such reductions shall be shown or indicated in the schedules in such manner as the tribunal prescribe. Owner's risk rates.

(2) Where an exceptional rate is in operation and the conditions applicable to that rate are the company's risk conditions, or, as the case may be, the

owner's risk conditions, and the difference in the company's liability under the two sets of conditions in respect of the merchandise in question is not insignificant, the company shall, on request in writing by a trader, quote a corresponding rate under the other conditions, and, if within twenty-eight days from such request the company fails to quote such a rate to the satisfaction of the trader, the trader may apply to the rates tribunal, and the tribunal shall settle such corresponding rate and determine the date as from which it is to come into operation.

(3) The difference between an ordinary rate and an owner's risk rate shall be such as in the opinion of the rates tribunal is fairly equivalent to the amount by which the risk of the company in the case of the merchandise in question differs under the two sets of conditions.

(4) A railway company shall be under no obligation to carry livestock at owner's risk rates in cases in which livestock is not at the date of the passing of this Act carried at reduced rates under owner's risk conditions.

Through rates and fares.

**47.**—(1) Where on or after the appointed day in pursuance of section twenty-five of the Railway and Canal Traffic Act, 1888, a railway company or person requires traffic to be forwarded at through rates or fares the company or person shall give written notice of the proposed through rate or fare to each company owning any part of the through route (hereinafter called "the forwarding company") stating both its amount and the route by which the traffic is proposed to be forwarded, and, where a company gives such notice, it shall also state the apportionment of the through rate or fare.

Each forwarding company shall, within ten days or such longer period as the rates tribunal prescribe after the receipt of such notice, by written notice inform the company or person requiring the through rate or fare whether it agrees to the rate or fare and the route, and, if it objects to either, the grounds of the objection.

(2) The rate or fare shall come into operation at the expiration of the said ten days or other prescribed period:

Provided that, if before that expiration any such objection as aforesaid has been sent, or if, in the case of a rate, the rate is less than five per cent. or more than forty per cent. below the combined standard charges of all the forwarding companies, the matter shall be referred to the rates tribunal for their decision.

(3) If an objection is made to the granting of the rate or fare or to the route, the rates tribunal shall consider whether the granting of the rate or fare is a due and reasonable facility in the interest of the public, and whether, having regard to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate or fare accordingly or fix such other rate or fare as may seem to the rates tribunal just and reasonable.

(4) Where upon the application of a railway company or person requiring traffic to be forwarded a through rate or fare is agreed to by the forwarding companies or is made by order of the rates tribunal, the apportionment of such through rate or fare, if not agreed upon between the forwarding companies, shall be determined by the rates tribunal.

(5) If there is no objection except as to the apportionment of the rate or fare, the rate or fare shall come into operation as provided by subsection (2) of this section in the case where no objection has been sent by a forwarding company, but the decision of the rates tribunal as to its apportionment shall be retrospective; in any other case the operation of the rate or fare shall be suspended until the decision is given.

(6) In apportioning a through rate or fare between the railway companies concerned the rates tribunal shall take all the circumstances into account, including any special charges, fixed allowances, and minimum mileage amounts, which any company may have been entitled to make or receive in respect of the route or any part of the route over which such through rate or fare applies.

(7) For the purpose of calculating the through rate or fare, the standard charge for each portion of the through route shall be that which would have been applicable to such portion had the conveyance for the entire distance of the through route been upon the railway of the company owning such portion, and as if throughout the through route the mileage had been continuously upon one railway, and shall be calculated on the shortest working distance between the two points over the railways of the forwarding companies:

Provided that in such a calculation effect shall be given to any statutory provision whereby a special mileage is allotted in respect of any portion of railway.

(8) The rates tribunal shall have power to decide that any proposed through rate or fare is just and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of the through rate or fare than the standard rate or fare which the company is entitled to charge, and to allow and apportion the through rate or fare accordingly.

(9) Where a railway company uses, maintains, or works, or is a party to an arrangement for using, maintaining, or working, vessels for the purpose of carrying on a communication between any towns or ports, the provisions of this section shall extend to such vessels and to the traffic carried thereby.

(10) Where part of the through route is over a railway of a light railway company or of a railway company to which no schedule of standard charges applies, or is by sea, this section shall have effect as if the ordinary rate or fare for the time being chargeable for the conveyance of the traffic over that railway or by the sea route were the standard charge.

(11) This section shall not apply where part of the through route is over a canal.

Minimum rates.

**48.** An amalgamated company or a railway company to which a schedule of standard charges has been applied shall be entitled to charge for the conveyance of merchandise as for a minimum distance of such number of miles as the rates tribunal may determine, or such minimum sum as the rates tribunal may determine, and the rates tribunal may fix greater minimum distances or higher minimum sums where the conveyance is over the railways of two or more such companies, but such minimum distances shall not vary according to whether charges for station terminals are or are not made.

Collection and delivery charges.

**49.**—(1) On and after the appointed day a railway company may collect and deliver by road any merchandise which is to be or has been carried by railway and may make reasonable charges therefor in addition to the charges for carriage by railway, and shall publish in the rate book kept at the station where it undertakes the services of collection and delivery the charges in force for the collection and delivery of merchandise ordinarily collected and delivered.

(2) Any such company may, and upon being required to do so and upon payment of the proper charges shall, at any place where the company holds itself out to collect and deliver merchandise, perform the services of collection and delivery in respect of such merchandise as is for the time being ordinarily collected and delivered by the company at that place:

Provided that the company shall not be required to make delivery to any person who is unwilling to enter into an agreement terminable by him on reasonable notice for the delivery by the company at the charges included in the rate book of the whole of his traffic, or the whole of his perishable traffic, from the station at which those charges apply.

(3) Where any person does not so agree, the company shall not be required to deliver any of his merchandise, but, if such person fails to take delivery of any merchandise within a reasonable time, the company may deliver such merchandise and make such reasonable charges therefor as it thinks fit.

(4) Any dispute as to whether or not any charge for the services of collection and delivery is reasonable, or whether the length of notice for the termination of an agreement under this section is reasonable, shall be determined by the rates tribunal.

Dangerous goods.

**50.**—(1) Nothing contained in this Act shall impose any obligation on any railway company to accept dangerous goods for conveyance, or shall prejudice or derogate from the powers of His Majesty in Council, or of any Government department, under the Explosives Act, 1875, or affect the validity or operation of any Order in Council, order, rule, or byelaw made under the powers contained in that Act.

38 & 39 Vict. c. 17.

(2) If on or after the appointed day any such company accepts dangerous goods for conveyance, the goods shall be conveyed subject to such byelaws, regulations and conditions as the company may think fit to make in regard to the conveyance or storage thereof, and the owner or consignor of such goods shall indemnify the company from and against all loss or damage which may result to the company or to which the company may be or become liable owing to non-compliance with the before-mentioned byelaws, regulations, and conditions as to such goods and will pay full compensation for all injury to the company's servants and damage to its property

so arising unless it be proved that the injury or damage is due to the wilful misconduct of the company's servants, but, subject as aforesaid, the provisions of this Part of this Act as to ordinary rates and owner's risk rates shall apply.

(3) Any question as to whether goods are dangerous goods shall be determined by the rates tribunal:

Provided that, where a railway company has declared any article to be dangerous, it shall lie on the person requiring the article to be carried to show that it is not dangerous.

Charges on jointly owned lines.

**51.** Where a railway is owned jointly by two or more railway companies (being amalgamated companies or railway companies to which a schedule of standard charges has been applied) then, for the purposes of this Part of this Act—

(*a*) if the route lies wholly on the railway of one of the owning companies and the jointly owned railway, the charges shall be the charges which would have been chargeable if the whole route had been over the railway of that owning company; and

(*b*) in any other case, the charges in respect of the jointly owned railway shall be the charges appearing in the schedule of charges applied to that railway.

Charges for competitive traffic.

**52.**—(1) Where any two places are connected by routes belonging to or operated by two or more railway companies (being amalgamated companies or railway companies to which a schedule of standard charges has been applied) and the standard rate for the carriage of merchandise by one such route is less than the standard rate by another such route, the standard rate for the carriage of merchandise by the first mentioned route may, subject to the provisions of this section as to circuitous routes, be charged as the standard rate for the carriage of merchandise by such other route.

(2) For the purposes of this section, a circuitous route means a route which is longer by thirty per cent. or more than the shortest route between the two places.

(3) Within six months after the date of amalgamation or such longer time as the Minister may allow every

amalgamated company and every company liable to have applied to it a schedule of standard charges shall submit to the Minister in such form as he may direct a schedule of the circuitous routes to which it is desired that this section shall be applied. The Minister shall refer to the rates tribunal the schedules so submitted to him, and the tribunal shall, after giving all parties whom they consider entitled to be heard before them an opportunity of being heard, consider whether the routes contained in the said schedules are, having regard to all the circumstances, including the public interest, desirable and adequate, and shall settle the schedules accordingly, and this section shall apply to the circuitous routes contained in the schedules as settled, but, save as hereinafter provided, to no other circuitous routes.

(4) After the settlement of such schedules any such company may apply this section to a new circuitous route not included in its schedule, but the company shall, within fourteen days, report the route to the Minister in such manner as he may direct, and, if the Minister considers that the proposal involves unreasonable competition or is not in the public interest, he may refer the matter to the rates tribunal who may, after giving all parties whom they consider entitled to be heard before them an opportunity of being heard, cancel the route:

Provided that, if the proposed circuitous route exceeds by fifty per cent. or more the shortest route between the two places, this section shall not be applied thereto without the consent of the rates tribunal.

Fares on ships.

**53.** As from the appointed day, any amalgamated company or any railway company to which a schedule of standard charges has been applied whose powers of charging in respect of the conveyance of passengers and their luggage in steam or other vessels provided or used by any such company are limited by statute, may demand, take, and recover such reasonable fares as it shall think fit for and in respect of the conveyance of passengers and their luggage in such steam or other vessels, and any question as to the reasonableness of such fares shall be determined by the rates tribunal.

Publication of schedules of standard charges, &c.

**54.**—(1) The schedules of standard charges and the standard terms and conditions of carriage when settled in accordance with the provisions of this Part of this

Act, and any orders of the rates tribunal modifying standard charges or standard terms and conditions shall be deemed to be statutory rules within the meaning of the Rules Publication Act, 1893, but nothing in this provision shall be construed as making any such schedules or orders statutory rules to which section one of that Act applies.

(2) Printed copies of the general classification of merchandise and schedule of standard charges for the time being in force shall be kept for sale by every railway company to which the same apply at such places and at such reasonable prices as the Minister may direct.

(3) On and after the appointed day, every railway company shall keep for public inspection at each station at which merchandise is received for conveyance, or, where merchandise is received for conveyance at some other place than a station, then, at the station nearest to such place, a copy of the general classification of merchandise carried on the railway of the company and a book or books stating :—

(i) the chargeable distance from that station or place of every place to which they book;

(ii) the scales of standard charges applicable to each class of merchandise conveyed on the railway;

(iii) all exceptional rates in operation from such station or place;

(iv) any charges in force for the collection and delivery of merchandise at such station or place.

The general classification of merchandise and every such book shall, during all reasonable hours, be open to the inspection of any person without the payment of any fee.

(4) On and after the appointed day, every railway company shall for a period of ten years keep open for inspection at its head office, the books, schedules, or other papers specifying the rates, charges, and conditions of transport in use on the fourteenth day of January, nineteen hundred and twenty, upon the several railways owned or worked by the company, and shall, upon demand and upon payment of a reasonable charge, supply copies of or extracts from such books, schedules, and papers.

(5) Where a railway company carries merchandise partly by land and partly by sea all the books, tables and

documents touching the rates of charge of the railway company, which are kept by the railway company at any port in Great Britain used by the vessels which carry the sea traffic of the railway company, shall, besides containing all the rates charged for the sea traffic, state what proportion of any rate is appropriated to the conveyance by sea, distinguishing such proportion from that which is appropriated to the conveyance by land on either side of the sea.

(6) Any company failing to comply with the provisions of this section shall, for each offence and in the case of a continuing offence for every day during which the offence continues, be liable on summary conviction to a fine not exceeding five pounds.

Miscellaneous provisions as to rates.

**55.** The provisions contained in the Fifth Schedule to this Act (being provisions similar to those now contained in the various railway rates and charges orders) shall, as from the appointed day, apply to the amalgamated companies and the railway companies to which a schedule of standard charges has been applied.

Amendments of certain Acts.

**56.**—(1) As from the appointed day the Acts mentioned in the first column of the Sixth Schedule to this Act shall, in their application to railway companies, have effect subject to the amendments specified in the second column of that schedule.

(2) Where any existing special Act relating to any railway company does not incorporate a section of any of the Railways Clauses Acts which is amended or repealed by the said schedule but contains provisions corresponding to such section, the like amendment or repeal shall be made of such corresponding provision as is made by the said schedule of the section of the Railways Clauses Act.

Interpretation of Part III.

**57.** For the purposes of this Part of this Act, unless the context otherwise requires,—

The expression "charges" includes rates, fares, tolls, dues and other charges.

The expression "rates" means rates and other charges in connexion with the carriage of merchandise.

The expression "fares" means fares and other charges in connexion with the conveyance of passengers and their luggage.

The expression "modifications" in relation to charges includes modifications whether by way of decrease or increase, and "modify" shall be construed accordingly.

The expression "merchandise" includes goods, minerals, live stock, and animals of all descriptions.

The expression "exceptional charges" means charges below the standard charges, including special charges continued subject to adjustment under the provisions of this Part of this Act, and the expressions "exceptional rates" and "exceptional fares" shall be construed accordingly.

The expression "conditions" includes regulations.

The expression "railway rates and charges orders" means the provisional orders fixing maximum rates and charges applicable to the several railway companies made and confirmed by Parliament in pursuance of section twenty-four of the Railway and Canal Traffic Act, 1888.

The expression "prescribed" means prescribed by the rates tribunal.

*Adjustment of Charges to Revenue.*

Adjustment of powers of charging to revenue.

**58.**—(1) The charges to be fixed in the first instance for each amalgamated company shall be such as will, together with the other sources of revenue, in the opinion of the rates tribunal, so far as practicable yield, with efficient and economical working and management, an annual net revenue (hereinafter referred to as the standard revenue) equivalent to the aggregate net revenues in the year nineteen hundred and thirteen of the constituent companies and the subsidiary companies absorbed by the amalgamated company, together with—

(*a*) a sum equal to five per cent. on capital expenditure forming the basis on which interest was allowed at the end of the period during which the constituent companies and subsidiary companies were in the possession of the Government; and

(*b*) such allowance as may be necessary to remunerate adequately any additional capital which may have been raised or provided in respect of expenditure on capital account incurred since the first day of

January, nineteen hundred and thirteen, and not included in the expenditure referred to in the last preceding paragraph, unless it can be shown that such expenditure has not enhanced the value of the undertaking; and

(*c*) such allowance as appears to the rates tribunal to be reasonable in respect of capital expenditure (not being less than twenty-five thousand pounds in the case of any work, and not being capital expenditure included in paragraph (*a*)), on works which enhance the value of the undertaking, but which had not at the beginning of the year nineteen hundred and thirteen become fully remunerative:

Provided that, in determining the sum which charges will, with efficient and economic working and management, yield, the tribunal shall, with a view to encouraging the taking of early steps for effecting economies in working and management expenses rendered possible by or in anticipation of amalgamation, take into consideration the economies effected by such steps already taken, and shall make such allowance in respect thereof as the tribunal may consider fair and equitable to an amount not exceeding thirty-three and one-third per cent. of such economies.

(2) The tribunal when fixing charges in pursuance of the provisions of this section shall have regard to the means which in their opinion are best calculated to ensure the maximum development and extension in the public interest of the carriage by railway of merchandise and of passengers and their luggage, and shall accordingly ascertain as far as may be practicable the effect which the existing charges, or any of them, have had upon the merchandise or passenger traffic to which they are applicable, and in particular whether the application of such charges has tended or, if continued, would be likely to tend towards causing the increase or diminution of the said traffic.

(3) If on any such review as is mentioned in the next following section it appears to the rates tribunal that the allowance made under paragraph (*c*) of subsection (1) of this section was too high or too low, the tribunal may revise the allowance and make such adjustment in the amount of the standard revenue as may be necessary.

(4) When fixing the charges necessary to produce the standard revenue, the tribunal shall take into consideration the charges in respect of any business carried on by the company ancillary or subsidiary to its railways, the charges for which are not subject to the jurisdiction of the tribunal, and if in the opinion of the tribunal the company is not making, or has not taken reasonable steps to enable it to make, adequate charges in respect of any such business, the tribunal shall, in fixing the charges under this Part of this Act, take into account the revenue which would be produced by any such business if adequate charges were in operation.

Periodical review of standard charges and exceptional rates.

59.—(1) The rates tribunal shall review the standard charges and exceptional charges of each amalgamated company at the end of the first complete financial year after the appointed day, or, if the appointed day is the first day of January in any year, at the end of that year, and, unless directions are given by the Minister to the contrary in manner hereinafter appearing, at the end of each succeeding year, and the review shall be made on the experience of the operation of those charges for the period during which the standard charges have been in operation, or, if that period is more than three years, then on the experience of the operation of those charges during the preceding three years.

(2) The Minister may direct as respects any year after the second annual review that a review shall not be held, and the directions may extend either to all the amalgamated companies or to any one or more of those companies:

Provided that no such direction shall extend to any company which has applied to the Minister for a review, or in respect of which the Board of Trade on the application of any representative body of traders have requested that a review shall be held.

(3) If on any such review the rates tribunal find that the net revenue or the average annual net revenue obtained, or which could, with efficient and economic management, have been obtained, by the company during the period on the experience of which the review is based is substantially in excess of the standard revenue of the company, with such allowance (if any) as appears to the tribunal necessary to remunerate adequately any additional capital which may have been raised or provided in respect of expenditure on capital account incurred since the

date upon which the standard charges were fixed in the first instance, the tribunal shall, unless they are of opinion that owing to change in circumstances the excess is not likely to continue, modify all or any of the standard charges and make a corresponding general modification of the exceptional charges of the company so as to effect a reduction of the net revenue of the company in subsequent years to an extent equivalent to eighty per cent. of such excess:

Provided that the tribunal in making such modifications as aforesaid as respects one amalgamated company shall, so far as practicable, avoid making such modifications as would be likely to affect prejudicially the financial position of any other railway company.

(4) If on any such review the rates tribunal find that the net revenue or the average annual net revenue obtained by the company during the period on the experience of which the review is based is less than the standard revenue of the company, with such allowance (if any) as appears to the tribunal necessary to remunerate adequately any additional capital which may have been raised or provided in respect of expenditure on capital account incurred since the date upon which the standard charges were fixed in the first instance, and that the deficiency is not due to lack of efficiency or economy in the management, the tribunal shall, unless in their opinion owing to change of circumstances the deficiency is not likely to continue, make such modifications in all or any of the standard charges and such a corresponding general modification of the exceptional charges of the company as they may think necessary to enable the company to earn the standard revenue with such allowance (if any) as aforesaid.

(5) Whenever on any such review such an excess as aforesaid is found, then, for the purposes of subsequent reviews, subsection (3) of this section shall have effect as if for the standard revenue there were substituted a sum (hereinafter referred to as the "increased standard") equal to the standard revenue with the addition of twenty per cent. of such excess, and whenever on any such subsequent review an excess is found above the increased standard together with the allowance (if any) for additional capital, then, for the purpose of subsequent reviews, the increased standard shall be increased by a sum equal to twenty per cent. of such excess, and so on:

Provided that, if at any time after such an excess has been found, the standard charges and exceptional charges are modified in pursuance of subsection (4) of this section on account of a deficiency, no such substitution shall be made until an excess above the standard revenue together with the allowance (if any) for additional capital is again found.

(6) The rates tribunal, when modifying charges on any such review, shall have regard to the like considerations as when fixing charges in the first instance:

Provided that the tribunal shall have regard to the financial results obtained from the operation of any ancillary or subsidiary business carried on by the company, and if satisfied that the net revenue resulting therefrom is, having regard to all the circumstances, unduly low, may, for the purpose of such review, make such deductions from the charges which would otherwise have been fixed as they think proper.

(7) The modifications of standard charges and exceptional charges made in pursuance of this section shall take effect as from the first day of July in the year following the last year under review or such other date as the rates tribunal may fix.

*Transitory Provisions.*

Transitory provisions as to charges generally.

**60.** A constituent, subsidiary, or amalgamated company, or any railway company which is liable to have applied to it a schedule of standard charges shall, notwithstanding anything contained in any special or general Act or in any agreement, be entitled till the appointed day to make such charges in connexion with the carriage of merchandise and passengers or otherwise as were in force as respects the railway on the fifteenth day of August, nineteen hundred and twenty-one; or, where no such charges were in force on that date, then such reasonable charges as shall, in case of difference, be determined by the rates tribunal:

Provided that at any time after the said fifteenth day of August, and before the appointed day,

(i) any representative body of traders may apply to the rates tribunal to reduce the aforesaid charges or any of them;

(ii) any trader interested in any particular charge may apply to the rates tribunal to reduce that charge;

(iii) any such company may apply to the rates tribunal to increase the aforesaid charges or any of them;

any such application shall be published in such manner as the rates tribunal prescribe and the tribunal after hearing all parties whom they consider entitled to be heard may make such modifications in the said charges or any of them as to the tribunal may seem just, and shall fix a day upon which the modifications are to come into force.

Provisions as to charges in connexion with private sidings.

**61.**—(1) Until an agreement has been made, or the rates tribunal have determined any differences that may arise, between the railway company concerned and the owner of or any person using a private siding (in this section called the "siding owner") as to the sum payable (if any) for accommodation and services provided in connexion with the siding, the following provisions shall apply:—

(1) Where at the passing of this Act an agreement exists between a railway company (being a constituent or subsidiary company or a company which is liable to have applied to it a schedule of standard charges) and a siding owner, under which the siding owner pays either the whole of the station and service terminals or pays such terminals and is allowed a rebate upon a percentage basis, the agreement shall continue to operate for the period fixed by the agreement, and after the expiration of the agreement, or, if the agreement is terminable on notice, then from the expiration of any notice given thereunder, the provisions of the agreement shall be deemed to remain in force notwithstanding any change which may be made in the amount of the terminal charges:

(2) Where at the passing of this Act an agreement exists between any such railway company and a siding owner whereby the siding owner pays for accommodation and services provided in connexion with the delivery or collection of merchandise at the siding a fixed sum, or pays for such services

terminal charges less a rebate of a fixed amount, the agreement shall continue to operate for the period fixed by the agreement, and after the expiration thereof, or, if the agreement is terminable on notice, then from the expiration of any notice given thereunder, the sum so payable or the rebate so allowed shall be increased in proportion to the amount by which the aggregate of the conveyance rate and station and service terminals may have been increased since the date of the agreement:

(3) Where at the passing of this Act there is no express agreement as to the amount to be paid for such services, but the siding owner in fact pays station terminals and service terminals or any portion thereof or either of them, the siding owner shall hereafter pay for such services as aforesaid the station terminals and service terminals or such portion of the same as he has heretofore paid:

(4) Where after the passing of this Act a new siding is connected with the railway, or traffic which is not provided for under the foregoing provisions of this section passes to an existing siding, the siding owner shall pay for the aforesaid services the amount of the station and service terminals for the time being in force; provided that the sum thereafter agreed or in default of agreement determined by the rates tribunal to be payable for such services shall be payable from the date of such connection for traffic or of the passing of the traffic as the case may be or for a period of twelve months from the date of application to the tribunal, whichever is shorter:

Provided that nothing contained in this section shall give rise to any presumption as to the value of the aforesaid accommodation and services, and in fixing any sum which the siding owner is to pay the rates tribunal shall have regard only to what sum is reasonable in all the circumstances of the case.

(2) The Railway and Canal Commission shall not, after the passing of this Act, exercise any jurisdiction with respect to the matters to which this section relates.

## Part IV.

### Wages and Conditions of Service.

Settlement of disputes as to pay and conditions of service.

**62.** As from the date when railways of which possession was taken under the Regulation of the Forces Act, 1871, and retained under the Ministry of Transport Act, 1919, cease to be in possession of the Minister, and until otherwise determined by twelve months' notice on either side (such notice not to be given before the first day of January, nineteen hundred and twenty-three), all questions relating to rates of pay, hours of duty or other conditions of service of employees to whom this Part of this Act applies shall, in default of agreement between the railway companies and the railway trade unions, be referred to the Central Wages Board, or, on appeal, the National Wages Board, as reconstituted under this Act.

Establishment of councils.

**63.**—(1) Arrangements shall be made for establishing for each railway company affected one or more councils, consisting of officers of the railway company and representatives of the men employed by the company elected by those men.

(2) The constitution and functions of any such council shall be such as may be determined by schemes made in manner hereinafter appearing, it being understood that the functions of the council shall generally be such as are mentioned in paragraph (16) of the Report of the Reconstruction Committee on the Relations between Employers and Employed, dated the eighth day of March, nineteen hundred and seventeen.

Reconstitution of Central and National Wages Boards.

**64.**—(1) As from the passing of this Act, the Central Wages Board and the National Wages Board shall be reconstituted in the following manner:—

(*a*) the Central Wages Board shall be composed of eight representatives of the railway companies and eight representatives of the railway employees. The railway companies' representatives shall be appointed by the railway companies. The employees' representatives shall be appointed by the railway trade unions, four by the National Union of Railwaymen, two by the

Associated Society of Locomotive Engineers and Firemen, and two by the Railway Clerks' Association;

(*b*) the National Wages Board shall be composed of six representatives of the railway companies, who shall be appointed by the railway companies, six representatives of the railway employees (two of whom shall be appointed by the National Union of Railwaymen, two by the Associated Society of Locomotive Engineers and Firemen, and two by the Railway Clerks' Association), and four representatives of the users of railways, with an independent chairman nominated by the Minister of Labour. The four representatives of the users of railways shall be nominated as follows:—

One by the Parliamentary Committee of the Trades Union Congress;

One by the Co-operative Union;

One by the Association of British Chambers of Commerce; and

One by the Federation of British Industries.

(2) Nothing in the constitution of either such Board shall be held to prejudice the right of any party to a reference to the Board to raise any point they may consider relevant to the issue, and any point so raised shall be taken into consideration by the Board.

Power to make schemes.

**65.** For the purpose of giving effect to the foregoing provisions of this Part of this Act, and in particular for the purpose of defining the constitution and functions of such councils as aforesaid, schemes shall be made and may, from time to time, be varied by a committee consisting of six representatives of the General Managers' Committee of the Railway Clearing House and six representatives of the National Union of Railwaymen, the Associated Society of Locomotive Engineers and Firemen, and the Railway Clerks' Association.

Such schemes may be determined by twelve months' notice by either side of such committee, but such notice shall not be given before the first day of January, nineteen hundred and twenty-three.

Application of Part IV.

**66.**—(1) The employees to whom this Part of this Act applies are those employed by the railway companies hereinafter mentioned and the Railway Clearing House in the grades of employees included in the several national agreements referred to in the Seventh Schedule to this Act (other than employees who, in accordance with the classification for the time being in force, are in the special class), and such other grades of employees as the parties to such schemes as aforesaid may hereafter agree to include in the schemes.

(2) The railway companies hereinbefore referred to are, until the amalgamation schemes come into operation, the railway companies mentioned in the second and third columns of the First Schedule to this Act of whose undertakings the Minister was in possession on the fifteenth day of August, nineteen hundred and twenty-one, including, as respects any railways jointly owned or worked by two or more of such companies, a joint committee of those companies, and after those schemes come into operation the amalgamated companies, including, as respects any railways jointly owned or worked by two or more of those companies, a joint committee of those companies.

Railway police force conferences.

**67.**—(1) Arrangements shall be made for establishing for each railway company affected a conference consisting of an equal number of representatives of the company and of the members of the police force of that company to which all questions relating to rates of pay, hours of duty, and conditions of service of members of the police force of the company shall be referred with an appeal to the central conference established hereunder.

(2) A central conference shall be established for the whole of the railways of Great Britain, and shall consist of an equal number of representatives of the railway companies and of the police force, elected from the conferences of the separate railways. In the event of disagreement between the two sides of the central conference, an independent chairman shall be appointed with power to give binding decisions, such chairman to be selected by mutual agreement or, failing agreement, to be nominated by the Minister of Labour.

(3) From and after the amalgamation under this Act of the constituent companies in each group there shall be one conference only for each amalgamated company, and

one central conference for all the amalgamated companies, both such conferences being constituted as in this section provided.

## PART V.

## LIGHT RAILWAYS.

Amendment of procedure for making light railway orders. 59 & 60 Vict. c. 48.

**68.**—(1) Orders under the Light Railways Act, 1896, as amended by any subsequent enactment (which Act as so amended is in this Part of this Act referred to as "the principal Act") shall, instead of being made by the Light Railway Commissioners and confirmed by the Minister of Transport as successor to the Board of Trade in manner provided by the principal Act, be made by the Minister, and accordingly—

(*a*) the powers of the Light Railway Commissioners shall be transferred to the Minister;

(*b*) the Minister on considering an application for an order shall take all such matters into consideration and do all such things as he, as successor of the Board of Trade, is under the principal Act required to take into consideration and do on submission of an order to him for confirmation;

and the principal Act shall have effect as if for references to the Light Railway Commissioners there were substituted references to the Minister, and for references to the confirmation of orders by the Minister, as successor to the Board of Trade, there was substituted references to the making of orders by the Minister:

Provided that any limitation on the duration of the powers of the Light Railway Commissioners contained in the principal Act or in any Act extending the duration of those powers shall not apply to the Minister.

(2) If the Minister is of opinion for any of the reasons mentioned in subsection (3) of section nine of the principal Act that the proposals of the promoters ought to be submitted to Parliament he may, if he thinks fit, make an order as a provisional order and submit the proposals to Parliament by bringing in a Bill for the confirmation of the order, and subsections (2) and (3) of section one of the Light Railways Act, 1912, shall apply with respect to such Bill.

2 & 3 Geo. 5. c. 19.

(3) Where an application for an order under the principal Act has been made to the Light Railway Commissioners before the passing of this Act, those Commissioners may, within the six months next after the passing of this Act, proceed with the application and submit to the Minister for confirmation any order made by them before the expiration of those six months, and in any such case the principal Act shall apply with respect to the order as if this section had not been passed, but at the end of the said six months the Light Railway Commissioners shall cease to hold office.

Save as aforesaid, any application for an order under the principal Act shall be proceeded with as if it had been made under the principal Act as amended by this section.

Provisions as to purchase of land. 9 Edw. 7. c. 47.

**69.** Where an order made under the principal Act incorporates the Lands Clauses Acts, it may incorporate those Acts subject to any modifications contained in the order, being modifications of those Acts made or authorised to be made by the Development and Road Improvement Funds Act, 1909.

Government advances to light railways.

**70.**—(1) Where the Minister, with the approval of the Treasury, agrees to make an advance under section seventeen of the Ministry of Transport Act, 1919, for the purposes of a light railway to be authorised by an order under the principal Act, the order may make such provision with respect to the limitation of the assessment of the light railway to local rates as might under proviso (*c*) of subsection (1) of section five of the principal Act have been made by such an order had the Treasury agreed to make a special advance under the principal Act as a free grant, and that proviso shall apply accordingly.

(2) The power of the Treasury under the principal Act to make advances to light railway companies shall cease, and sections four to six of the principal Act, except such of the provisions of section five as are applied by this section, are hereby repealed.

Power of councils to give guarantees.

**71.**—(1) The council of any county or borough or district may be authorised by an order under the principal Act to guarantee or to join with any council, person, or body of persons in guaranteeing the whole or any part of the interest or dividends on any loan or share capital of a light railway company for such period and on such

terms and subject to such conditions as may be approved by the Minister after consultation with the Minister of Health:

Provided that the procedure laid down in the Borough Funds Acts, 1872 and 1903, shall apply when a council propose to give or join in giving such a guarantee in like manner as it applies when a council propose to incur expenditure in opposing a Bill in Parliament.

(2) Any expenses incurred by the council in satisfying such guarantee shall be defrayed in like manner as expenses incurred by them with reference to an application for an order authorising a light railway under the principal Act.

(3) Paragraphs (*f*), (*g*), and (*h*) of section eleven of the principal Act shall apply in respect of such guarantee as if the guarantee were an advance by the council.

Powers of charging by light railway companies.

**72.**—(1) Where the powers of a light railway company of making any charges are fixed by reference to the powers of charging of another railway company, and the powers of charging of that other railway company have been increased under directions issued by the Minister in pursuance of the powers conferred upon him by the Ministry of Transport Act, 1919, the powers of charging of the light railway company shall until the appointed day be, and shall be deemed to have been, proportionately increased.

(2) On and after the appointed day, any light railway company whose railway connects (whether by means of a junction or of adjacent sidings) with the railway of an amalgamated company, or of a railway company to which a schedule of standard charges has been applied, shall be entitled to make charges not exceeding those which such company is for the time being authorised to make, with this qualification that for the purpose of the calculation of mileage rates each mile of a light railway shall be treated as if it were one mile and a quarter.

(3) The provisions of any light railway order conferring powers of charging shall have effect, subject to the provisions of this section.

(4) Part III. of this Act shall not apply to light railways except so far as it relates—

(i) to the granting, variation, cancellation, and apportionment of through rates;

(ii) the conditions of carriage of merchandise;

(iii) the determination by the rates tribunal of questions that may be brought before them in respect of the matters mentioned in section twenty-eight of this Act:

Provided that, where a light railway becomes part of the system of an amalgamated company, Part III. of this Act shall apply thereto.

(5) As from the appointed day, the powers of the Railway and Canal Commission under section fourteen of the Regulation of Railways Act, 1873, as extended by any other enactment and as applied to light railways, shall be exercisable by the rates tribunal instead of by the Railway and Canal Commission.

Amendment of ss. 11 and 24 of principal Act.

**73.**—(1) An order made under the principal Act may contain a provision empowering a railway company to acquire the light railway to which the order relates, not being a railway of the nature of a tramway, and paragraph (*l*) of section eleven of the principal Act shall have effect accordingly as if in that paragraph after the words "railway" there were inserted the words "or, except in the case of a railway of the nature of a tramway, empowering a railway company to acquire the railway."

(2) Where, after the passing of this Act, an order is made under the principal Act authorising a light railway (other than a light railway of the nature of a tramway), an order amending that order may confer on a railway company power to acquire the light railway, notwithstanding that the owners of the light railway do not consent, and section twenty-four of the principal Act shall have effect accordingly.

(3) For the purposes of this section, a light railway of the nature of a tramway means a light railway laid wholly or mainly along a public carriageway, and used wholly or mainly for the carriage of passengers.

Construction of Part V.

**74.** This Part of this Act shall be construed as one with the principal Act.

## PART VI.

## GENERAL.

Facilities.

**75.**—(1) In order to facilitate the transmission of traffic passing or intended to pass to or from places on or beyond the railway of any amalgamated company from or to places on or beyond the railway of any other amalgamated company, every amalgamated company shall, at all times, afford to any such other amalgamated company all reasonable facilities for the convenient working, forwarding, and conveyance of such traffic viâ proper and convenient points of exchange, including through rates and fares, the efficient working of trains at suitable and convenient times so as to satisfy the reasonable requirements of the public for the reception, forwarding, and delivery of such traffic, and shall, so far as circumstances reasonably admit, accommodate, manage, and forward such traffic as effectually, regularly, and expeditiously as if it were its own proper traffic.

(2) Except as hereinafter provided, all facilities for the interchange of traffic and the arrangements as to routes and divisions and invoicing of traffic which on the first day of August, nineteen hundred and fourteen, were in operation between any company and any other company who will not form part of the same group shall, unless otherwise mutually agreed between the companies concerned, be continued by and be binding upon the amalgamated company of which any such company shall form part, as if such amalgamated company had been party to the said facilities and arrangements, but not so as to enlarge or diminish the scope or duration of any such facilities or arrangements:

Provided always that no amalgamated company, except with the consent of the other companies concerned, shall alter or discontinue any point of exchange with any other amalgamated company or companies before the expiration of five years from the date when the amalgamation scheme applicable to such first mentioned amalgamated company came into operation, and then only on giving six calendar months' notice in writing of such intention to the other company or companies, and, if the other amalgamated company or companies shall

object to such proposed alteration or discontinuance, the matter shall be referred to the rates tribunal, who shall make such order as they shall think just.

(3) Subject to the provisions of this Act with respect to circuitous routes, in the case of a route competitive with its own by which traffic passes the through rates or fares charged by any amalgamated company shall not, unless the rates tribunal for good cause shown so order, be higher than those charged by its own route.

(4) No constituent or subsidiary company and no amalgamated company shall be at liberty to refuse to receive, forward, or deliver traffic consigned by a through route on the ground that such traffic can be carried by a route which has, through the operation of this Act, become local to such company.

Allocation of receipts on worked railways.

**76.** Where under any Act or agreement passed or made before the passing of this Act any railway is maintained and worked on terms based upon the receipts from the traffic on such railway, the amount which shall be payable to the owning company out of such receipts shall be such as would have been payable to them if the rates, fares, tolls, dues, and charges in respect of such traffic had been the same as those in operation during the year nineteen hundred and thirteen, but not less than the amount actually paid in that year with the addition of an amount in respect of interest on capital expenditure at the same rate per annum as was payable by the Government to any such company in respect of the year nineteen hundred and twenty under the agreements or arrangements relating to the possession by the Crown of the railway of such company, and the balance of such receipts shall be retained by the company maintaining and working the said railway.

Accounts, returns, and statistics.

**77.**—(1) The accounts to be rendered under the Railway Companies (Accounts and Returns) Act, 1911, shall be compiled in such manner as may be determined by the Railway Clearing House with the approval of the Minister, or, if the Minister is unable to approve the proposals of the Railway Clearing House, as may be determined by the Minister after reference to, and considering the report thereon by, a committee composed of not less than three or more than six persons nominated

by the Railway Companies' Association, and not less than three or more than six expert and impartial persons of wide commercial and trading experience to be chosen by the Minister from the panel set up under section twenty-three of the Ministry of Transport Act, 1919, as extended by this Act.

(2) It shall be the duty of every railway company to compile and render to the Minister the statistics and returns set out in the Eighth Schedule to this Act, sub-divided in the case of an amalgamated company in accordance with such operating areas as may be agreed between the Minister and the company, subject, nevertheless, to such variation of those statistics and returns as may from time to time be agreed between the Minister and the Railway Companies' Association:

Provided that the Minister may exempt any light railway company from the obligations imposed by this subsection to such extent as he may think fit.

(3) In the event of non-compliance on the part of any railway company with any requirement of this section, the requirement shall be enforcable by order of the Railway and Canal Commission on the application of the Minister in any of the ways referred to in section three of the Railway and Canal Traffic Act, 1854, or section six of the Regulations of Railways Act, 1873.

(4) Nothing in this section shall be interpreted to authorise any limitation of or interference with the control of the proprietors of any undertaking over the purposes to which its expenditure is to be applied.

Provision for applications by public authorities in certain cases.

**78.**—(1) Where under this Act an application may be made by a representative body of traders, or by a body of persons representative of trade or a locality, the application may be made by any of the following authorities or bodies—

(*a*) any harbour board, or conservancy authority, the common council of the City of London, or the council of any county or borough or district; or

(*b*) any such association of traders or freighters, or chamber of commerce, shipping, or agriculture as may obtain a certificate from the Board of Trade that it is, in the opinion of the Board of Trade, a proper body to make such an application.

(2) Subject as in this section provided, no company, body, or person not directly interested in the subject-matter of any application shall be entitled to make such application.

(3) Any authority or body as aforesaid may appear in opposition to any application, representation, or submission in any case where such authority, or the persons represented by them, appear to the Board of Trade to be likely to be affected by the decision on any such application, representation, or submission.

(4) The Board of Trade may, if they think fit, require as a condition of giving a certificate under this section, that security be given in such manner and to such amount as they think necessary, for costs which may be incurred.

(5) Any certificate granted under this section shall, unless withdrawn, be in force for twelve months from the date on which it was given.

(6) Any expenses incurred by any such authority in or incidental to any such application or opposition shall be defrayed out of the rate or fund out of which the expenses of the authority in the execution of their ordinary duties are defrayed, and, in the case of a rural district council in England, shall be defrayed as general expenses unless the Minister of Health directs that they shall be defrayed as special expenses.

Provision as to railway officers transferred to Minister.

**79.** Paragraph (iii) of subsection (1) of section seven of the Ministry of Transport Act, 1919 (which provides for officers and servants transferred to the Minister remaining full members of railway pension funds and superannuation funds), shall—

(*a*) in the case of an officer or servant transferred from any railway company to whom it is applicable at the time when the Minister ceases to be in possession of the undertaking or any part of the undertaking of the company continue to apply as respects that officer or servant or, after such cessation, so long as he remains in the service of the Crown; and

(*b*) apply to any officer or servant of any railway company who, with his consent and the consent

of the railway company, may hereafter be transferred to the Minister, so long as the officer or servant in question remains in the service of the Crown;

and accordingly the said paragraph shall have effect as if the words "under this section, then so long as the "Minister remains in possession of that undertaking or "any part or plant thereof" were omitted therefrom.

Provisions as to inquiries.

**80.**—(1) The provisions of section twenty of the Ministry of Transport Act, 1919 (relating to local inquiries), shall extend so as to enable the Minister to hold local inquiries for the purposes of this Act in like manner as for the purposes of the said Act.

(2) Section twenty-three of the Ministry of Transport Act, 1919 (which provides for the establishment of a panel for giving advice and assistance to the Minister in connexion with the exercise and performance of his powers and duties), shall extend to the exercise and performance of the powers and duties of the Minister under this Act; and the Minister may add to the panel persons having special experience in the various matters to which the powers and duties of the Minister under this Act relate.

(3) Any expenses incurred by the Minister in relation to any such local inquiry, or an inquiry by a committee chosen either wholly or partly from such panel as aforesaid, shall be paid by the railway companies and other persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct; and the Minister may certify the amount of the expenses incurred, and any sum so certified and directed by the Minister to be paid by any railway company or other person shall be a debt to the Crown from such company or person.

(4) The rates advisory committee constituted under section twenty-one of the Ministry of Transport Act, 1919, shall continue in existence so long as may be necessary for the purposes of references under the Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920, and after the said committee ceases to exist any functions which under any other enactments are to be discharged

10 & 11 Geo. 5. c. 21.

by the committee shall be transferred to the rates tribunal.

Notices, &c.

**81.** Any notice, application, request, or other document authorised or required by this Act to be sent to a railway company may, unless some other manner is prescribed by the rates tribunal, be sent by post in a prepaid letter addressed to the secretary of the company at the principal office of the company.

Mode of action by Board of Trade.

**82.** Anything by this Act authorised or required to be done by the Board of Trade may be done by the President or a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Application to Scotland.

**83.** This Act in its application to Scotland shall be subject to the following modifications:—

(*a*) "Burgh" shall be substituted for "borough," "servitude" for "easement," and "Secretary for Scotland" for "Minister of Health":

(*b*) Subsection (5) of the section of this Act, whereof the marginal note is "Constitution and procedure of amalgamation tribunal," shall not apply to proceedings before the amalgamation tribunal in Scotland or to inquiries in Scotland by any Commissioner or other person authorised by the said tribunal, and for the purposes of the summoning and examination of witnesses and the production of documents the tribunal or Commissioner or person authorised as aforesaid shall have the like powers as are conferred upon Commissioners by section ten of the Private Legislation Procedure (Scotland) Act, 1899: 62 & 63 Vict. c. 47.

(*c*) The expenses incurred by any town or county council in any application or representation authorised by the section of this Act whereof the marginal note is "Provision for applications by public authorities in certain cases," shall be defrayed in the case of a town council out of the burgh general assessment, and in the case of a county council out of the general purposes rate or such other rate as the county council may with the approval of the Secretary for Scotland designate.

Provisions as to Irish railways.

**84.**—(1) Railway companies in Ireland shall until other provision is made by the Council of Ireland, compile and render such statistics and returns as are at the passing of this Act in pursuance of any statute agreement or otherwise being rendered by such companies.

(2) Save as aforesaid, the provisions of this Act shall not apply to railway companies in Ireland.

Definition of railway company.

**85.** For the purposes of this Act, the expression "railway company" includes a joint committee of two or more railway companies and the owners of any railway to which at the passing of this Act a Railways Rates and Charges Order within the meaning of Part III. of this Act applies, and, where a railway is owned by a joint committee of two or more railway companies, it shall, for the purposes of this Act, be deemed to be jointly owned by those companies.

Short title and repeal.

**86.**—(1) This Act may be cited as the Railways Act, 1921.

(2) The enactments mentioned in the Ninth Schedule to this Act are, except so far as they relate to Ireland, hereby repealed to the extent specified in the third column of that schedule, but this repeal shall not, as respects the enactments mentioned in Part II. of that schedule, have effect until the appointed day fixed under Part III. of this Act, and nothing in this repeal shall affect the constitution of the Light Railway Commission or the remuneration of any members thereof so long as they continue to perform the duties reserved to them under this Act:

Provided that, for the purpose of the said schedule, the expression "light railway" shall not include a light railway forming part of the system of an amalgamated company, and an amalgamated company owning a light railway shall not, in relation thereto, be deemed to be a light railway company.

# SCHEDULES.

## FIRST SCHEDULE.

Sections 1 and 66.

| 1. Groups. | 2. Constituent Companies. | 3. Subsidiary Companies. |
|---|---|---|
| 1. The Southern Group. | 1. The London and South Western Railway Company; the London Brighton and South Coast Railway Company; the South Eastern Railway Company; the London Chatham and Dover Railway Company; the South Eastern and Chatham Railway Companies Managing Committee. | 1. The Bridgwater Railway Company; the Brighton and Dyke Railway Company; the Freshwater Yarmouth and Newport (Isle of Wight) Railway Company; the Hayling Railways Company; the Isle of Wight Railway Company; the Isle of Wight Central Railway Company; the Lee-on-the-Solent Railway Company; the London and Greenwich Railway Company; the Mid Kent Railway (Bromley to St. Mary Cray) Company; the North Cornwall Railway Company; the Plymouth and Dartmoor Railway Company; the Plymouth, Devonport and South Western Junction Railway Company; the Sidmouth Railway Company; the Victoria Station and Pimlico Railway Company. |
| 2. The Western Group. | 2. The Great Western Railway Company; the Barry Railway Company; the Cambrian Railway Company; the Cardiff Railway Company; the Rhymney Railway Company; the Taff Vale Railway Company; and the Alexandra (Newport and South Wales) Docks and Railway Company. | 2. The Brecon and Merthyr Tydfil Junction Railway Company; the Burry Port and Gwendreath Valley Railway Company; the Cleobury Mortimer and Ditton Priors Light Railway Company; the Didcot Newbury and Southampton Railway Company; the Exeter Railway Company; the Forest of Dean Central Railway Company; the Gwendreath Valleys Railway Company; the Lampeter, Aberayron and New Quay Light Railway Company; the Liskeard and Looe Railway Company; the Llanelly and Mynydd Mawr Railway Company; the |

| 1. Groups. | 2. Constituent Companies. | 3. Subsidiary Companies. |
|---|---|---|
| 2. The Western Group —*cont.* | - - - | Mawddy Railway Company; the Midland and South Western Junction Railway Company; the Neath and Brecon Railway Company; the Penarth Extension Railway Company; the Penarth Harbour, Dock and Railway Company; the Port Talbot Railway and Docks Company; the Princetown Railway Company; the Rhondda and Swansea Bay Railway Company; the Ross and Monmouth Railway Company; the South Wales Mineral Railway Company; the Teign Valley Railway Company; the Vale of Glamorgan Railway Company; the Van Railway Company; the Welshpool and Llanfair Light Railway Company; the West Somerset Railway Company; the Wrexham and Ellesmere Railway Company. |
| 3. The North Western, Midland, and West Scottish Group. | 3. The London and North Western Railway Company; the Midland Railway Company; the Lancashire and Yorkshire Railway Company; the North Staffordshire Railway Company; the Furness Railway Company; the Caledonian Railway Company; the Glasgow and South Western Railway Company; the Highland Railway Company. | 3. The Arbroath and Forfar Railway Company; the Brechin and Edzell District Railway Company; the Callander and Oban Railway Company; the Cathcart District Railway Company; the Charnwood Forest Railway Company; the Cleator and Workington Junction Railway Company; the Cockermouth Keswick and Penrith Railway Company; the Dearne Valley Railway Company; the Dornoch Light Railway Company; the Dundee and Newtyle Railway Company; the Harborne Railway Company; the Killin Railway Company; the Lanarkshire and Ayrshire Railway Company; the Knott End Railway Company; the Leek and Manifold Valley |

| 1. Groups. | 2. Constituent Companies. | 3. Subsidiary Companies. |
|---|---|---|
| 3. The North Western, Midland, and West Scottish Group—*cont.* | - - - | Light Railway Company; the Maryport and Carlisle Railway Company; the Mold and Denbigh Junction Railway Company; the North and South Western Junction Railway Company; the North London Railway Company; the Portpatrick and Wigtownshire Joint Committee; the Shropshire Union Railways and Canal Company; the Solway Junction Railway Company; the Stratford-upon-Avon and Midland Junction Railway Company; the Tottenham and Forest Gate Railway Company; the Wick and Lybster Light Railway Company; the Wirral Railway Company; the Yorkshire Dales Railway (Skipton to Grassington) Company. |
| 4. The North Eastern, Eastern, and East Scottish Group. | 4. The North Eastern Railway Company; the Great Central Railway Company; the Great Eastern Railway Company; the Great Northern Railway Company; the Hull and Barnsley Railway Company; the North British Railway Company; the Great North of Scotland Railway Company. | 4. The Brackenhill Light Railway Company; the Colne Valley and Halstead Railway Company; the East and West Yorkshire Union Railways Company; the East Lincolnshire Railway Company; the Edinburgh and Bathgate Railway Company; the Forcett Railway Company; the Forth and Clyde Junction Railway Company; the Gifford and Garvald Railway Company; the Great North of England, Clarence and Hartlepool Junction Railway Company; the Horncastle Railway Company; the Humber Commercial Railway and Dock Company; the Kilsyth and Bonnybridge Railway Company; the Lauder Light Railway Company; the London and Blackwall Railway Company; the Mansfield Railway Company; the Mid-Suffolk Light Railway Company; the Newburgh and North Fife |

| 1. Groups. | 2. Constitutent Companies. | 3. Subsidiary Companies. |
|---|---|---|
| 4. The North Eastern, Eastern, and East Scottish Group—*cont.* | - - - | Railway Company; the North Lindsey Light Railways Company; the Nottingham and Grantham Railway and Canal Company; the Nottingham Joint Station Committee; the Nottingham Suburban Railway Company; the Seaforth and Sefton Junction Railway Company; the Sheffield District Railway Company; the South Yorkshire Junction Railway Company; the Stamford and Essendine Railway Company; the West Riding Railway Committee. |

Sections 3 and 8.

## SECOND SCHEDULE.

### BOARD OF DIRECTORS OF AMALGAMATED COMPANY.

### PART I.

#### FIRST YEAR.

1. For the period commencing on the date when the amalgamation scheme comes into operation and ending on the date of the general meeting of the amalgamated company in the following year, the company shall be directed by a board consisting of such number of persons as may be fixed by the scheme elected by the proprietors of the several constituent companies not exceeding, in the case of the North Western Midland and West Scottish Group, and the North Eastern Eastern and East Scottish Group, twenty-eight, in the case of the Western Group, twenty-five, and in the case of the Southern Group, twenty-one.

2. Before the date when the amalgamation scheme comes into operation the proprietors of each constituent company shall elect from amongst the directors of the company holding office at the time such number as may be fixed by the scheme to serve as directors of amalgamated companies as aforesaid.

3. The directors so elected shall hold office until the date of the said general meeting and shall then retire, but any director so retiring may, if otherwise qualified, be elected as a director of the company under the provisions hereinafter contained.

4. In the event of a casual vacancy occurring during the said period amongst the directors, the vacancy shall be filled by a person co-opted by the other directors, being a person who was a director of the constituent company by the proprietors of which the vacating director was elected.

## Part II.

### After the First Year.

1. As from the date of the general meeting of the amalgamated company in the year following that in which the amalgamation scheme comes into operation, the company shall be directed by a board of directors consisting of such number of members elected by the proprietors of the company as may be specified in the scheme not exceeding, in the case of the North Western Midland and West Scottish Group and the North Eastern Eastern and East Scottish Group, twenty-eight, in the case of the Western Group twenty-five, and in the case of the Southern Group twenty-one.

2. The qualification of a director shall be the holding in his own right of such amount of the share capital of the amalgamated company as may be specified in the scheme, and, subject as hereinafter provided, the term of office of such a director shall be three years, but on retirement he may, if otherwise qualified, be re-elected.

3. Any casual vacancy occurring among the directors shall be filled by a person co-opted by the other directors, and any director co-opted to fill a casual vacancy shall hold office for the same period as that for which his predecessor would have held office.

4. On the first election of directors, one-third of the total number of directors, or if their number is not a multiple of three then the number nearest to but not exceeding one third (failing agreement to be selected by lot) shall be deemed to have been elected for one year, and one-third or such nearest number as aforesaid (failing agreement to be selected by lot) for two years.

5. Subject to the foregoing provisions of this Schedule, the provisions of the Companies Clauses (Consolidation) Act, 1845, with respect to the appointment and rotation of directors shall apply.

Sections 3, 5, and 14.

# THIRD SCHEDULE.

## EXISTING OFFICERS AND SERVANTS.

The following provisions shall apply in respect to persons who at the date of the passing of this Act are, and for a period of not less than five years have been, officers or servants of any constituent company or subsidiary company, and who shall not, prior to the amalgamation or absorption of such constituent or subsidiary company, have become pensioners or annuitants in accordance with the rules of any railway pension or superannuation fund of which they may be members, or have voluntarily retired, or have been removed from the service of any such constituent or subsidiary company by reason of misconduct or incapacity (all of which officers and servants are in this Schedule hereinafter referred to as "existing officers and servants"):—

(1) Every existing officer and servant shall, as from the date of amalgamation or absorption, become an officer or servant of the amalgamated company:

(2) The amalgamated company may abolish the office or situation of any existing officer or servant which they deem unnecessary, and any existing officer or servant required to perform duties such as are not analogous or which are an unreasonable addition to those which as an officer or servant of the company from whom he was transferred he was required to perform may relinquish his office or situation:

(3) No existing officer or servant so transferred shall, without his consent, be by reason of such transfer in any worse position in respect to the conditions of his service as a whole (including tenure of office, remuneration, gratuities, pension, superannuation, sick fund or any benefits or allowances whether obtaining legally or by customary practice of the constituent or subsidiary company) as compared with the conditions of service formerly obtaining with respect to him:

(4) If any question arises as to whether the provisions of the last foregoing paragraph have been complied with, the question shall be referred to a standing arbitrator or board of arbitration appointed by the Lord Chancellor, and, if the arbitrator or board consider that those provisions have not been complied with, and that the officer or servant has thereby suffered loss or injury, they shall award him such sum to be paid by the amalgamated company as they think sufficient to compensate him for such loss or injury:

(5) Every existing officer or servant whose office or situation is so abolished or who so relinquishes his office or service or whose services are dispensed with on the ground that they are not required or for any reason not being on account of any misconduct or incapacity, or whose salary, wages, or remuneration are reduced on the ground that his duties have been diminished, or who otherwise suffers any direct pecuniary loss by reason of the amalgamation or absorption (including any loss of prospective superannuation or other retiring or death allowances and allowances payable to his widow or orphan children, whether obtaining legally or by customary practice of the constituent or subsidiary company), shall be entitled to be paid compensation for such pecuniary loss, to be determined and paid by the amalgamated company, subject to appeal to such standing arbitrator or board of arbitration as aforesaid, in accordance with the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications. For the purpose of this schedule, any solicitor who was continuously retained by a company as their chief legal adviser for the period of five years before the passing of this Act shall be deemed to be an existing officer of the company : 51 & 52 Vict. c. 41.

Provided that, in the case of any officer or servant who was appointed to his office as a specially qualified person at an age exceeding that at which public service usually begins or of any officer or servant who suffers any loss of prospective superannuation or other retiring or death allowances as aforesaid, such addition may be made to the amount of compensation authorised under the said provisions as may seem just, having regard to the particular circumstances of such case :

Provided further that the expression in subsection (1) of section one hundred and twenty of the Local Government Act, 1888, "the Acts and Rules relating to Her Majesty's Civil Service" shall mean the Acts and Rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888.

(6) The fee payable to an arbitrator or member of a board of arbitration under this Schedule shall be such as the Lord Chancellor may fix, and that fee shall be paid by the amalgamated company concerned.

Section 30.

# FOURTH SCHEDULE.

## DIVISION AND FORM OF SCHEDULES OF CHARGES.

The parts into which every schedule of charges submitted by a company to the rates tribunal is to be divided shall be as follows:—

Part I. containing the charges in respect of the goods and minerals comprised in the several classes of merchandise (including dangerous goods and goods specially liable to damage) specified in the classification;

Part II. containing the charges in respect of animals;

Part III. containing the charges in respect of carriages;

Part IV. containing the charges in respect of perishable merchandise by passenger train or other similar service;

Part V. containing the charges in respect of small parcels;

Part VI. containing the charges in respect of merchandise of an exceptional character;

Part VII. containing the fares and charges to be taken for the conveyance of passengers and their luggage, and for live stock, carriages, parcels and articles of merchandise (other than those included in Part IV.) by passenger train or other similar service;

Part VIII. containing the charges in respect of any toll payable by a trader.

The forms of the various Parts shall in the case of Parts V., VI., VII., and VIII., be such as the rates tribunal direct, and in the case of Parts I., II., III., and IV., be the following forms:—

## PART I.

## GOODS AND MINERALS.

| Class in respect of Merchandise to which Charges are Applicable. | Standard Rates for Conveyance. | | | | | Standard Terminals. | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | For the first Miles or any part of such Distance | For the next Miles or any part of such Distance | For the next Miles or any part of such Distance | For the next Miles or any part of such Distance | For the remainder of the Distance | Station Terminal at each end. | Service Terminals. | | | |
| | | | | | | | Loading. | Unloading. | Covering. | Uncovering. |
| | Per Ton per Mile. | Per Ton per Mile. | Per Ton per Mile. | Per Ton per Mile. | Per Ton per Mile. | Per Ton. | Per Ton. | Per Ton. | PerTon. | PerTon. |
| 1 | | | | | | | | | | |
| 2 | | | | | | | | | | |
| 3 | | | | | | | | | | |
| etc. | | | | | | | | | | |

## Part II.

### Animal Class.

| Description. | Rate for Conveyance per Mile. | | | | | Station Terminal at each end. | Service Terminals. | | Minimum Charge as for Animals. |
|---|---|---|---|---|---|---|---|---|---|
| | For the first Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the remainder of the Distance. | | Loading. | Unloading. | |
| | *d.* | *d.* | *d.* | *d.* | *d.* | *s. d.* | *s. d.* | *s. d.* | *s. d.* |
| 1. | | | | | | | | | |
| 2. | | | | | | | | | |
| 3. | | | | | | | | | |
| etc. | | | | | | | | | |

## Part III.

### Carriages.

| Description. | Rate for Conveyance per Mile. | | | | | Station Terminal at each End. | Service Terminals. | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | For the first Miles, or any part of such Distance | For the next Miles, or any part of such Distance | For the next Miles, or any part of such Distance | For the next Miles, or any part of such Distance | For the remainder of the Distance | | Loading. | Unloading. | Covering. | Uncovering. |
| | *d.* | *d.* | *d.* | *d.* | *d.* | *s. d.* | *s. d.* | *s. d.* | *s. d.* | *s. d.* |
| 1. | | | | | | | | | | |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| etc. | | | | | | | | | | |

## PART IV.

## PERISHABLE MERCHANDISE BY PASSENGER TRAIN.

*Division I.*
Description.

*Division II.*
Description.
etc.

*Division I.*

| Rate for Conveyance. | | | | | | Station Terminal at each End. | Service Terminals. | |
|---|---|---|---|---|---|---|---|---|
| For any Distance not exceeding 20 Miles. | For any Distance exceeding 20 Miles, but not exceeding 50 Miles. | For any Distance exceeding 50 Miles, but not exceeding 75 Miles. | For any Distance exceeding 75 Miles, but not exceeding 100 Miles. | For any Distance exceeding 100 Miles, but not exceeding 150 Miles. | For any Distance exceeding 150 Miles. | | Loading. | Unloading. |
| Per Imperial Gallon. | Per Imperial Gallon. | Per Imperial Gallon. | Per Imperial Gallon. | Per Imperial Gallon. | Per Imperial Gallon. | Per Can. | Per Can. | Per Can. |
| *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | *d.* |
| | | RETURNED EMPTY CANS. | | | | | | |
| Per Can. | Per Can. | Per Can. | Per Can. | Per Can. | Per Can. | | | |
| *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | | | |

*Divisions II. and III.*

| Rate for Conveyance. | | | | | Station Terminal at each End. | Service Terminals. | |
|---|---|---|---|---|---|---|---|
| For the first Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the next Miles, or any part of such Distance. | For the remainder of the Distance. | | Loading. | Unloading. |
| Per Cwt. per Mile. | Per Cwt. per Mile. | Per Cwt. per Mile. | Per Cwt. per Mile. | Per Cwt. per Mile. | Per Cwt. | Per Cwt. | Per Cwt. |
| *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | *d.* | *d.* |

## FIFTH SCHEDULE.

Section 55.

### Miscellaneous Provisions as to Rates.

Calculation of distance.

1. In calculating the distance along the railway for the purpose of the charge for conveyance of any merchandise the company shall not include any portion of its railway which may in respect of that merchandise be the subject of a charge for a station terminal.

Calculation of charges on weight and measurement.

2. Unless otherwise agreed between the company and the trader, all charges shall, so far as practicable, be based upon the gross weight of the merchandise when received by the company determined according to the imperial avoirdupois weight, but the rates tribunal may specify any articles of merchandise upon which the charges may be calculated in reference to cubic capacity, and shall prescribe the method by which the cubic contents for the purpose of charge is to be calculated.

Traders' trucks.

3.—(1) Where merchandise is conveyed in trucks not belonging to the company, the trader shall be entitled to recover from the company a reasonable sum by way of demurrage for any detention of his trucks beyond a reasonable period either by the company or by any other company over whose railway the trucks have been conveyed under a through rate or contract.

Any difference arising under this provision shall be determined by the rates tribunal at the instance of either party.

(2) Where merchandise conveyed in a separate truck is loaded or unloaded elsewhere than in a shed or building of the company, the company may not charge to a trader any service terminal for the performance by the company of any of the said services if the trader has requested the company to allow him to perform the service for himself, and the company has unreasonably refused to allow him to do so. Any dispute between a trader and the company in reference to any service terminal charged to a trader who is not allowed by the company to perform for himself the service shall be determined by the rates tribunal.

Charges for sidings and accommodation

4. Nothing in this Act shall prevent the company from making and receiving, in addition to the charges authorised by this Act, charges and payments by way of rent or otherwise for sidings or other structural accommodation provided or to be provided for the private use of traders and not required by the company for dealing with the traffic for the purposes of conveyance:

Provided that the amount of such charges or payments shall be fixed by an agreement in writing signed by the trader or by

some person duly authorised on his behalf or determined, in case of difference, by the rates tribunal.

Charges for transhipment.

5. In respect of merchandise received from or delivered to another railway company having a railway of a different gauge, the company may make a reasonable charge for any service of transhipment performed by it, the amount of such charge to be determined in case of difference by the rates tribunal.

Charges for use of trucks.

6.—(1) The company may charge for the use of trucks provided by it for the conveyance of merchandise, when the provision of trucks is not included in the rates for conveyance, such sums as the rates tribunal determine.

(2) Where, for the conveyance of merchandise other than merchandise in respect of which the rates for conveyance do not include the provision of trucks, the company does not provide trucks, the charge for conveyance shall be reduced by such sum as the rates tribunal determine.

(3) The company shall not be required to provide trucks for the conveyance of merchandise in respect of which the provision of trucks is not included in the rate for conveyance, nor for the conveyance of lime in bulk or salt in bulk or any merchandise liable to injure trucks, but in all such cases traders shall be entitled to provide their own trucks :

Provided that any dispute between the company and a trader as to whether any specific kind of merchandise is liable to injure trucks may be referred to the rates tribunal but on any such reference it shall lie on the trader requiring the merchandise to be carried to show that such merchandise will not injure the trucks.

Return of empty trucks.

7. Where merchandise is conveyed in a trader's truck, the company shall not make any charge in respect of the return of the truck empty, provided that the truck is returned empty from the consignee and station or siding to whom and to which it was consigned, loaded direct to the consignor and station or siding from whom and whence it was so consigned, and, where a trader forwards an empty truck to any station or siding for the purpose of being loaded with merchandise, the company shall make no charge in respect of the forwarding of such empty truck, provided the truck is returned to it loaded for conveyance direct to the consignor and station or siding from whom and whence it was so forwarded.

Charges for conveyance on railway of another company.

8. Subject to the provisions of this Act, any company conveying merchandise on the railway of another company or performing any of the services for which rates or charges are authorised by this Act, shall be entitled to charge and make the same rates and charges as such other company are authorised to make.

Dock and shipping charges.

9. Nothing in this Act shall affect the right of a company to make any charges which it is authorised by any Act of Parliament to make in respect of any accommodation or services provided or rendered by the company at or in connection with docks or shipping places.

Provisions as to perishables.

10. The following provisions and regulations shall be applicable to the conveyance of perishable merchandise by passenger train :—

(*a*) The company shall afford reasonable facilities for the expeditious conveyance of the articles classified as perishables, either by passenger train or other similar service :

(*b*) Such facilities shall be subject to the reasonable regulations of the company for the convenient and punctual working of its passenger train service, and shall not include any obligation to convey perishables by any particular train :

(*c*) The company shall not be under obligation to convey by passenger train, or other similar service, any merchandise other than perishables :

(*d*) Any question as to the facilities afforded by the company under these provisions and regulations shall be determined by the rates tribunal.

Charges for services not otherwise provided for.

11.—(1) A company may charge for the services hereunder mentioned, or any of them when rendered to a trader at his request or for his convenience a reasonable sum :—

(i) Services rendered by the company at or in connection with sidings not belonging to the company in respect of which no rate or charge is otherwise provided ;

(ii) The collection or delivery outside a terminal station, otherwise than is provided for by section forty-nine of this Act, of merchandise which is to be, or has been, carried by railway ;

(iii) Weighing merchandise ;

(iv) The detention of trucks or the use or occupation of any accommodation before or after carriage beyond such period as shall be reasonably necessary for enabling the company to deal with the merchandise as carriers thereof, or the consignor or consignee to give or take delivery thereof ; or, in cases in which the merchandise is consigned to an address other than the terminal station, beyond a reasonable period from the time when notice has been delivered at such address that the merchandise has arrived at the terminal station for delivery and services rendered in connection with such use and occupation ;

(v) Loading or unloading, covering or uncovering, merchandise in respect of which no charge is provided;

(vi) The use of coal drops;

(vii) The provision by the company of accommodation at a waterside wharf and special services rendered thereat by the company in respect of loading or unloading merchandise into or out of vessels or barges where no special charge is prescribed by any Act of Parliament, provided that the charge under this sub-paragraph shall, for the purposes of any disintegration of rate, be deemed to be a dock charge;

(viii) Any accommodation or services provided or rendered by the company within the scope of its undertaking, and in respect of which no provisions are made by this Schedule.

(2) Any difference arising under this paragraph shall be determined by the rates tribunal at the instance of either party, provided that, where before any service is rendered, a trader has given notice in writing to the company that he does not require it, the service shall not be deemed to be rendered at the trader's request or for his convenience.

(3) Subject to the provisions of this paragraph, any charge hereunder made by a company in accordance with an order of the rates tribunal in force for the time being may be recovered by action in a court of law.

12. The standard rate for conveyance is the rate which the company may charge for the conveyance of merchandise by merchandise train and, subject to the exceptions and provisions specified in this Schedule, includes the provision of locomotive power and trucks by the company and every other expense incidental to such conveyance not otherwise herein provided for.

13. The standard station terminal is the charge which the company may make to a trader for the use of the accommodation (exclusive of coal drops) provided and for the duties undertaken by the company, for which no provision is made in this Schedule at the terminal station for or in dealing with merchandise as carriers thereof before or after conveyance.

14. The standard service terminals are the charges which the company may make to a trader for the following services when rendered to or for a trader, that is to say, loading, unloading, covering, and uncovering merchandise, which charges shall, in respect of each service, be deemed to include all charges for the provision by the company of labour, machinery, plant, stores and sheets.

15. Where a consignment by merchandise train is over three hundredweight, a fraction of a quarter of a hundredweight may be charged for as a quarter of a hundredweight.

16. For a fraction of a mile the company may charge according to the number of quarters of a mile in that fraction, and a fraction of a quarter of a mile may be charged for as a quarter of a mile.

17. Articles sent in large aggregate quantities, although made up of separate parcels such as bags of sugar, coffee, and the like, shall not be deemed to be small parcels.

18. For any quantity of merchandise less than a truck load which the company either receive or deliver in one truck on or at a siding not belonging to the company, or which from the circumstances in which the merchandise is tendered or the nature of the merchandise the company is obliged or required to carry in one truck, the company may charge as for a reasonable minimum load having regard to the nature of the merchandise.

19. The term "terminal station" means a station or place upon the railway at which a consignment of merchandise is loaded or unloaded before or after conveyance on the railway, but does not include any station or junction at which the merchandise in respect of which any terminal is charged has been exchanged with, handed over to, or received from any railway company, or a junction between the railway and a siding let by or not belonging to the company, or in respect of merchandise passing to or from such siding, any station with which such siding may be connected, or any dock or shipping place the charges for the use of which are regulated by Act of Parliament.

The term "siding" includes branch railways not belonging to a railway company.

20. In this Schedule the word "company" means a railway company with respect to which a schedule of standard charges is in operation, and the word "trader" includes any person sending or receiving or desiring to send or receive merchandise by railway.

## SIXTH SCHEDULE.

Section 56.

| Act amended. | Nature of Amendment. |
|---|---|
| The Carriers Act, 1830. (11 Geo. 4. and 1 Will. 4. c. 68.) | In section one, the words "silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials" shall be repealed, and the word "twenty-five" shall be substituted for "ten." |

| Act amended. | Nature of Amendment. |
|---|---|
| | In section two the word "twenty-five" shall be substituted for the word "ten."<br>The following new section shall be added after section 10 :—<br>"11. In this Act the expression 'common carrier by land' shall include a common carrier by land who is also a carrier by water, and as regards every such common carrier this Act shall apply to carriage by water in the same manner as it applies to carriage by land." |
| The Railways Clauses Act, 1845 (8 & 9 Vict. c. 20), as incorporated in any Act, whether passed before or after the passing of this Act. | In section three after the words "The word "'toll' shall include any rate or charge or "other payment payable under the special "Act" there shall be inserted the words "or fixed by the rates tribunal under the "provisions of the Railways Act, 1921."<br>In section ninety-eight for the words "number "or quantity of goods conveyed by any such "carriage" there shall be substituted the words "full name and address of the consignee and such particulars of the nature, "weight (inclusive of packing), and number "of parcels or articles of merchandise handed "to the company for conveyance as may "be necessary to enable the company to "calculate the charges therefor."<br>The following subsection shall be added at the end of section ninety-eight :—<br>"(2) The company shall be entitled to refuse to convey any merchandise delivered to them for conveyance as aforesaid in respect of which the foregoing provisions of this section have not been complied with, or to examine, weigh or count the same and make such reasonable charge therefor as they think fit :<br>"Provided that the company shall not refuse to convey the parcels or articles of merchandise handed to them for conveyance as aforesaid without giving the person an opportunity of having them weighed or counted upon payment of a reasonable charge." |
| The Railway Clauses (Scotland) Act, 1845 (8 & 9 Vict. c. 33), as incorporated in any Act, whether passed before or after the passing of this Act. | In section three after the words "The word "'toll' shall include any rate or charge or "other payment payable under the special "Act" there shall be inserted the words "or fixed by the rates tribunal under the "provisions of the Railways Act, 1921."<br>In section ninety-one, for the words "number "or quantity of goods conveyed by any such "carriage" there shall be substituted the |

| Act amended. | Nature of Amendment. |
|---|---|
| | words "full name and address of the consignee and such particulars of the nature, weight (inclusive of packing), and number of parcels or articles of merchandise handed to the company for conveyance as may be necessary to enable the company to calculate the charges therefor."<br>The following subsection shall be added at the end of section ninety-one :—<br>"(2) The company shall be entitled to refuse to convey any merchandise delivered to them for conveyance as aforesaid in respect of which the foregoing provisions of this section have not been complied with, or to examine, weigh, or count the same and make such reasonable charge therefor as they think fit :<br>"Provided that the company shall not refuse to convey the parcels or articles of merchandise handed to them for conveyance as aforesaid without giving the person an opportunity of having them weighed or counted upon payment of a reasonable charge." |
| The Railway and Canal Traffic Act, 1854 (17 & 18 Vict. c. 31). | In section seven, for the words "for any horse fifty pounds, for any neat cattle per head fifteen pounds, for any sheep or pigs per head two pounds" there shall be substituted the words "for any horse one hundred pounds, for neat cattle per head fifty pounds, for any other animal five pounds." |
| The Railways Clauses Act, 1863 (26 & 27 Vict. c. 92), as incorporated in any Act, whether passed before or after the passing of this Act. | Section thirty-one shall be repealed. |
| The Regulation of Railways Act, 1868 (31 & 32 Vict. c. 119). | In section thirty-four after the words "to act as directors" there shall be inserted the words "Provided that it shall not be obligatory on any such company to reprint such book in any year if in their opinion the prescribed corrections can conveniently be made in manuscript." |

Section 66.

# SEVENTH SCHEDULE.

## NATIONAL AGREEMENTS IN REGARD TO RATES OF PAY AND CONDITIONS OF SERVICE OF EMPLOYEES OF THE RAILWAY COMPANIES IN GREAT BRITAIN.

| Date. | Parties to Agreement. | Nature of Agreement. |
|---|---|---|
| 29th August 1919. | Railway Executive Committee acting on behalf of the Government, the National Union of Railwaymen, and the Associated Society of Locomotive Engineers and Firemen. | Rates of pay and conditions of service of drivers, firemen, motormen, &c. |
| 1st March 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the Railway Clerks' Association, and the National Union of Railwaymen. | Rates of pay and conditions of service of station masters, goods agents, yard masters, assistant station masters, assistant goods agents, &c. |
| 1st March 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the Railway Clerks' Association, and the National Union of Railwaymen. | Rates of pay and conditions of service of railway male clerical staff. |
| 20th March 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the National Union of Railwaymen, and the Associated Society of Locomotive Engineers and Firemen. | Rates of pay and conditions of service of adult male staff in conciliation grades. |
| 20th April 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the Railway Clerks' Association, and the National Union of Railwaymen. | Rates of pay and conditions of service of railway male supervisory staff. |
| 20th May 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the Railway Clerks' Association, and the National Union of Railwaymen. | Rates of pay and conditions of service of staff employed in traffic control offices. |
| 4th August 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, and the National Union of Railwaymen. | Rates of pay of staff employed at railway-owned docks, other than supervisory, dredging, grabbing, power house, and tug-boat men. |
| 26th August 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the National Union of Railwaymen, and the Railway Clerks' Association. | Rates of pay and conditions of service of women and girl clerks. |

| Date. | Parties to Agreement. | Nature of Agreement. |
|---|---|---|
| 11th November 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the National Union of Railwaymen, and the Railway Clerks' Association. | Rates of pay and conditions of service of male dock supervisory staff. |
| 1st December 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, and the National Union of Railwaymen. | Rates of pay and conditions of service of dredging and tug-boat staff. |
| 2nd December 1920. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, and the National Union of Railwaymen. | Rates of pay and conditions of service of operating staff employed at hydraulic and steam pumping plant on railway-owned docks. |
| 19th March 1921. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, and the National Union of Railwaymen. | Rates of pay and conditions of service of men employed on small passenger steamers, tenders, ferryboats, and lake steamers. |
| 19th March 1921. | Negotiating Committee of General Managers acting on behalf of the Ministry of Transport, the National Union of Railwaymen, and the Railway Clerks' Association. | Rates of pay and conditions of service of supervisors employed on dredging plant, tugboats, small passenger steamers, tenders, ferryboats, and lake steamers. |

## EIGHTH SCHEDULE.

Section 77.

### Schedule of Statistics to be supplied by Railway Companies of Great Britain in addition to those furnished under Railway Companies (Accounts and Returns) Act, 1911.

| | |
|---|---|
| 1. Freight receipts, tons and ton-miles. | Monthly. |
| 2. Tons and receipts of selected commodities conveyed at freight train rates. | Monthly. |
| 3. Commodity ton-miles - - | Monthly. |
| 4. Passenger journeys and receipts. | Monthly. |

| | |
|---|---|
| 5. Passenger miles - - - | Periodically. |
| 6. Quantities and receipts of parcels and miscellaneous traffic conveyed at coaching train rates. | Monthly. |
| 7. Train and engine miles and hours of company's engines over own and other systems. | Monthly. |
| 8. Train and engine miles and hours over company's system by own and other companies' engines. | Monthly. |
| 9. Locomotives in use - - | Monthly. |
| 10. Loaded and empty wagon miles. | Monthly. |
| 11. Consumption of coal, electricity, and oil by locomotives. | Monthly. |
| 12. Construction and repair of rolling stock. | Half-yearly. |
| 13. Marshalling yard statistics - | For a period of one month each half-year. |
| 14. Census of staff showing number of men in each grade at each rate of pay. | Annually. |
| 15. Tonnage conveyed on canals, separating principal commodities. | Monthly. |
| 16. Analysis of time spent by ships in port at railway-owned docks. | Monthly. |
| 17. Tonnage dealt with and cost of working at selected goods depôts. | For a period of one month each half year. |
| 18. Tonnage carted and cost per ton at selected stations. Motor cost to be distinguished from horse cost. | For a period of one month each half-year. |
| 19. Capacity of wagon stock of various types. | Annually. |

# NINTH SCHEDULE.

Section 86.

## Enactments repealed.

### Part I.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 57 & 58 Vict. c. 54. | The Railway and Canal Traffic Act, 1894. | Section one. |
| 59 & 60 Vict. c. 48. | The Light Railways Act, 1896. | Subsections (1), (3), (4), (5), (6), and (7) of section one.<br>Section four.<br>Section five except proviso (c) to subsection (1) thereof.<br>Section six.<br>Subsections (5) and (6) of section seven.<br>Section eight.<br>Subsections (2), (5), and (6) of section nine.<br>In subsection (1) of section nine the words "for confirmation."<br>In section fifteen the word "whether" and the words "or " before the Light Railway Com- " missioners," "or the Light " Railway Commissioners," and "and of the proceedings of the " Light Railway Commissioners."<br>In section twenty-two the words "the Light Railway Commis- " sioners, or if any objection to " any draft order is made to" " the Commissioners and" and " respectively." |
| 1 Edw. 7. c. 36. | The Light Railways Commissioners (Salaries) Act, 1901. | The whole Act. |
| 2 & 3 Geo. 5. c. 19. | The Light Railways Act, 1912. | Subsection (1) of section one.<br>Section two.<br>Section three.<br>Section eight.<br>In subsection (1) of section nine the words "subject to the special " provisions of this Act with " respect to the Light Railway " Commissioners acting as arbi- " trators."<br>Section ten. |

PART I.—*continued.*

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 2 & 3 Geo. 5. c. 29. | The Railway and Canal Traffic Act, 1913. | The whole Act. |
| 10 & 11 Geo. 5. c. 14. | The Tramways (Temporary Increase of Charges) Act, 1920. | In section two the words "the "Light Railway Commissioners "and" |
| 10 & 11 Geo. 5. c. 73. | The Expiring Laws Continuance Act, 1920. | Part I. of the Schedule as far as it relates to the powers of the Light Railway Commissioners. |

PART II.

| | | |
|---|---|---|
| 36 & 37 Vict. c. 48. | The Regulation of Railways Act, 1873. | Section fourteen, except so far as it relates to light railway and canal companies, and section fifteen, except so far as it relates to canal companies. |
| 51 & 52 Vict. c. 25. | The Railway and Canal Traffic Act, 1888. | Section twenty-five from "Provided that no application" to the end of the section, and sections twenty-six, thirty-one, thirty-three, and thirty-four, except so far as those sections, including the said section twenty-five, relate to canals and canal companies, or to through rates where part of the through rate is over a canal, and except so far as sections thirty-three and thirty-four relate to light railways and light railway companies. |
| 57 & 58 Vict. c. 54. | The Railway and Canal Traffic Act, 1894. | Section three, except so far as it relates to light railway and canal companies, and section four. |

# CHAPTER 56.

An Act to make further provision with respect to the appointment, conditions of service and pensions of certain Officers of the Supreme Court in England, and to authorise the abolition of certain offices therein, and for purposes connected therewith. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Compulsory retirement of certain officers of the Supreme Court.

**1.** A person holding any of the offices in the Supreme Court in England specified in the First Schedule to this Act shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any such person in the public service after he attains the age of seventy-two years, he may, with the approval of the Treasury, authorise his continuance in the service up to such later age, not exceeding seventy-five years, as he thinks fit.

Pensions of certain officers of the Supreme Court.

**2.**—(1) The provisions of the Superannuation Acts, 1834 to 1914, shall apply to persons holding any of the offices specified in Part I. of the First Schedule to this Act, subject to the following modifications:—

(*a*) On the retirement of a person from any of the offices aforesaid there may be granted to him a superannuation allowance calculated in accordance with the provisions of the Second Schedule to this Act instead of a superannuation allowance calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1914:

(*b*) Section two of the Superannuation Act, 1909 (which authorises the grant of a gratuity in case of death), section three of that Act (which provides for the application of the 9 Edw. 7. c. 10.

Act to existing male civil servants), and subsection (2) of section six of that Act (which relates to compensation for abolition of office), and section two of the Superannuation Act, 1914 (which amends subsection (1) of section two of the Superannuation Act, 1909), shall not apply to a person retiring or removed from any of the offices aforesaid:

4 & 5 Geo. 5. c. 86.

(*c*) It shall not be lawful to grant any superannuation allowance under the provisions of this section to any person who is under the age of seventy-two years, unless upon a medical certificate to the satisfaction of the Treasury to the effect that he is incapable from infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent, or unless he has served fifteen years in one or more of the offices specified in Part I. of the First Schedule to this Act and has attained the age of sixty-five years:

The foregoing provisions of this paragraph shall have effect in substitution for section ten of the Superannuation Act, 1859 (which prohibits the grant of superannuation allowance to a person under the age of sixty years except upon evidence of infirmity):

22 Vict. c. 26.

Provided that—

(i) the foregoing provisions of this section shall not apply to any person who was first appointed to one of the offices aforesaid before the first day of January, nineteen hundred and twenty, or who, having been so appointed after that date, was at the time of his appointment, whether he was appointed before or after the passing of this Act, a civil servant within the meaning of the Superannuation Act, 1887, unless he gives notice of his desire to accept those provisions in lieu of the general provisions of the Superannuation Acts, 1834 to 1914:

50 & 51 Vict. c. 67.

(ii) any person who holds any of the offices aforesaid at the commencement of this Act, and who has the option of accepting or not accepting

the foregoing provisions of this Act may, if he was appointed to any such office as aforesaid after the passing of the Superannuation Act, 1909, or has adopted the provisions of that Act, without prejudice to his power to give notice under the foregoing provisions of this section, give notice that he desires to accept those provisions with the substitution for the allowances under the Second Schedule to this Act of the allowances and other benefits set out in the Third Schedule to this Act, and this section shall, in any such case, apply accordingly.

(2) A notice for the purpose of the foregoing provisions shall be in such form, and shall be given within such period, as may be prescribed by the Lord Chancellor.

(3) Section twenty of the Supreme Court of Judicature (Officers) Act, 1879 (which relates to the conditions of obtaining pensions under that Act), and section twenty of the Supreme Court of Judicature Act, 1884 (which provides that the provisions of the last-mentioned section shall extend to salaries), shall not apply in the case of appointments to offices to which this section applies, but before any person is appointed to any such office the person making the appointment shall take steps to satisfy himself that the state of health of the person proposed to be appointed is satisfactory. 42 & 43 Vict. c. 78. 47 & 48 Vict. c. 61.

(4) For the purpose of computing any allowance or benefit under the Second Schedule or the Third Schedule to this Act, no account shall be taken of any years of service in any office other than an office specified in Part I. of the First Schedule to this Act.

**3.** The foregoing provisions of this Act relating to the retirement of officers shall not apply to a person holding either of the offices specified in Part II. of the First Schedule to this Act if he was appointed to that office before the first day of July, nineteen hundred and fifteen, and the foregoing provisions of this Act relating to the retirement and pensions of officers shall not apply to a person holding any of the offices specified in Part I. of the First Schedule to this Act if he was appointed to that office before the date aforesaid, unless he gives written notice in such form and within such period as is prescribed by the Lord Chancellor of his desire to accept Application to existing officers.

those provisions in lieu of the provisions in respect of pensions which would have applied to him if this Act had not passed.

Payment of pensions, &c.

**4.** All allowances payable, and all other payments to be made, by virtue of this Act shall be paid out of moneys provided by Parliament.

Registrars and clerks to registrars in Chancery Division.

**5.**—(1) The registrars of the Chancery Division of the High Court (in this section referred to as "the registrars") and the clerks to the registrars shall be appointed by the Lord Chancellor, and the number of the registrars and of the clerks respectively shall be such as the Lord Chancellor, with the approval of the Treasury, may fix.

(2) The registrars shall be appointed from among the persons who at the time of the appointment are clerks to the registrars, and a person shall not be qualified to be appointed as clerk to the registrars unless he is a solicitor of the Supreme Court of not less than two years standing.

(3) The Lord Chancellor shall appoint one of the registrars to be chief registrar, and the chief registrar shall exercise as respects the other registrars and the clerks to the registrars such duties and functions as the Lord Chancellor may from time to time assign to him.

(4) The clerks to the registrars shall retire from office at such age as the Lord Chancellor, with the consent of the Treasury, may fix.

(5) Any person who at the time of the passing of this Act is exercising functions as a registrar or as a clerk to the registrars shall be deemed to have been duly appointed in accordance with the provisions of this section to the office of registrar or clerk, as the case may be, but shall be entitled to reckon as a period of service for the purpose of the Superannuation Acts, 1834 to 1914, any period before the passing of this Act during which he exercised such functions.

5 Vict. c. 5.

(6) The Court of Chancery Act, 1841, is hereby repealed with the exception of sections four and seventeen thereof.

Amendments of 42 & 43 Vict. c. 78.

**6.**—(1) The Lord Chancellor may, with the approval of the Lord Chief Justice of England, the Master of the Rolls, and the President of the Probate, Divorce and

Admiralty Division of the High Court, as respects offices to which they have respectively a power of appointment, abolish any office in the Supreme Court which appears to him to be unnecessary.

(2) Section seventeen of the Supreme Court of Judicature (Officers) Act, 1879 (which gives power to the Lord Chancellor to add years to the service of the holders of certain offices), and sections twenty-three, twenty-four, and twenty-five of that Act (which relate to the rights, status and privileges of officers of the Supreme Court) shall cease to have effect:

Provided that nothing in this provision shall affect the rights of any person who before the passing of this Act has been appointed to any office in respect of which an order has been issued by the Treasury under the said section seventeen.

Short title.

**7.** This Act may be cited as the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921.

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# SCHEDULES.

## FIRST SCHEDULE.

Sections 1, 2, and 3.

### PART I.

### OFFICES TO WHICH SECTIONS ONE AND TWO APPLY.

Permanent Secretary to the Lord Chancellor.
Master of the Supreme Court, King's Bench Division.
Assistant Master of the Supreme Court, King's Bench Division.
Master of the Supreme Court, Chancery Division.
Master of the Supreme Court, Taxing Office.
Master in Lunacy.
Legal Visitor in Lunacy.
Official Referee to the Supreme Court.
Official Solicitor to the Supreme Court.
Registrar, High Court in Bankruptcy.
Taxing Master, High Court in Bankruptcy.
Registrar, Probate, Divorce, and Admiralty Division

PART II.

OFFICES TO WHICH SECTION ONE ONLY APPLIES.

Registrar, Chancery Division.
Medical Visitor in Lunacy.

Section 2.

## SECOND SCHEDULE.

### SCALE OF ALLOWANCES.

1. An annual allowance not exceeding ten-sixtieths of the last annual salary may be granted after the completion of a period of service of five years.

2. Where the period of service completed exceeds five years, there may be granted an annual allowance not exceeding ten-sixtieths of the last annual salary with an addition of one-fortieth of that salary for each completed year's service in excess of five.

3. The maximum allowance shall be two-thirds of the last annual salary.

Section 2.

## THIRD SCHEDULE.

### ALLOWANCES, &C. IN THE CASE OF OFFICERS TO WHOM THE SUPERANNUATION ACT, 1909, APPLIES.

1. The scale of allowances set out in the Second Schedule to this Act shall apply to officers who adopt the provisions of this Schedule, with the substitution for the amounts of the allowances set out in the said Second Schedule of those amounts reduced by one quarter.

2. The Treasury may on the recommendation of the Lord Chancellor grant, by way of additional allowance to any such officer who retires after having served for not less than five years, in addition to any allowance which may be granted to him under paragraph 1 of this Schedule, a lump sum equal, where the officer has served for five completed years, to ten-thirtieths of such annual salary, and, where the officer has served for more than five completed years, to ten-thirtieths of such annual salary, with an addition of one-twentieth of such annual salary for each completed year's service in excess of five, so, however, that the additional allowance shall in no case exceed one and a half times the amount of such annual salary;

Provided that—

(*a*) in the case of any officer appointed before the passing of the Superannuation Act, 1909, the amount of the additional allowance shall be increased by one-half per cent. in respect of each completed year which he had served at the date of the passing of that Act; and

(*b*) in the case of an officer retiring after attaining the age of sixty-five years, there shall be deducted from the amount of the additional allowance which would otherwise be payable to him one-twentieth of that amount for every completed year's service subsequent to attaining that age.

3. Where any such officer dies after serving five years or upwards and while still employed in his office, the Treasury may, on the recommendation of the Lord Chancellor, grant to his legal personal representatives a gratuity equal to the annual salary of his office, or equal to the additional allowance calculated in the manner provided by the last preceding paragraph, whichever is the greater:

Provided that the amount of the gratuity which may be so granted shall be reduced by one twentieth for every completed year's service subsequent to attaining the age of sixty-five years.

4. Where any such officer dies after having become entitled to an annual allowance, and the sums actually received by him up to the time of his death on account of that allowance together with the sum received by him by way of additional allowance are less than the amount of the annual salary of his office, the Treasury, on the recommendation of the Lord Chancellor, may grant to his legal personal representatives a gratuity equal to the difference.

## CHAPTER 57.

### An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1920.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Grant for purposes of Telegraph Acts.

**1.**—(1) The Treasury may, with a view to the development of the telephonic system in the United Kingdom, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums not exceeding in the whole the sum of five million pounds as may be required by the Postmaster-General for the purpose of developing the telephonic system according to estimates approved by the Treasury.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer bonds, and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

4 Edw. 7. c. 21.

1 & 2 Geo. 5. c. 26.

(5) Section five of the Telephone Transfer Act, 1911 (which relates to audit), shall have effect as if this Act were included amongst the Acts therein mentioned.

Short title.

**2.** This Act may be cited as the Telegraph (Money) Act, 1921, and may be cited with the Telegraph Acts, 1863 to 1920.

## CHAPTER 58.

An Act to consolidate and amend the Law relating to Trusts in Scotland.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Citation.

**1.** This Act may be cited as the Trusts (Scotland) Act, 1921.

Definitions.

**2.** In the construction of this Act unless the context otherwise requires—

"Trust" shall mean and include—

(*a*) any trust constituted by any deed or other writing, or by private or local Act of Parliament, or by Royal Charter, or by resolution of any corporation or public or ecclesiastical body, and

(*b*) the appointment of any tutor, curator, or judicial factor by deed, decree, or otherwise;

"Trust deed" shall mean and include—

(*a*) any deed or other writing, private or local Act of Parliament, Royal Charter, or resolution of any corporation or ecclesiastical body, constituting any trust, and

(*b*) any decree, deed, or other writing appointing a tutor, curator, or judicial factor;

"Trustee" shall mean and include any trustee under any trust whether nominated, appointed, judicially or otherwise, or assumed, whether sole or joint, and whether entitled or not to receive any benefit under the trust or any remuneration as trustee for his services, and shall include any trustee ex officio, executor nominate, tutor, curator, and judicial factor;

"Judicial factor" shall mean any person judicially appointed factor upon a trust estate or upon the estate of a person incapable of managing his own affairs, factor loco tutoris, factor loco absentis, and curator bonis;

"Local authority" and "rate" shall have respectively the meanings assigned to these expressions by the Local Authorities Loans (Scotland) Act, 1891; 54 & 55 Vict. c. 34.

"The court" shall mean the Court of Session;

"East India Stock" shall mean India $3\frac{1}{2}$ per cent. stock, India 3 per cent. stock, India $2\frac{1}{2}$ per cent.

stock, or any other capital stock which may, at any time hereafter, be issued by the Secretary of State in Council of India under the authority of Act of Parliament and charged on the revenues of India.

What trusts shall be held to include.

**3.** All trusts shall be held to include the following powers and provisions unless the contrary be expressed (that is to say):—

(*a*) Power to any trustee to resign the office of trustee;

(*b*) Power to the trustee, if there be only one, or to the trustees, if there be more than one, or to a quorum of the trustees, if there be more than two, to assume new trustees;

(*c*) A provision that a majority of the trustees accepting and surviving shall be a quorum;

(*d*) A provision that each trustee shall be liable only for his own acts and intromissions and shall not be liable for the acts and intromissions of co-trustees and shall not be liable for omissions:

Provided that—

(1) A sole trustee shall not be entitled to resign his office by virtue of this Act unless either (1) he has assumed new trustees and they have declared their acceptance of office, or (2) the court shall have appointed new trustees or a judicial factor as hereinafter in this Act provided; and

(2) A trustee who has accepted any legacy or bequest or annuity expressly given on condition of the recipient thereof accepting the office of trustee under the trust shall not be entitled to resign the office of trustee by virtue of this Act, unless otherwise expressly declared in the trust deed, nor shall any trustee appointed to the office of trustee on the footing of receiving remuneration for his services be entitled so to resign that office in the absence of an express power to resign; but it shall be competent to the court, on the petition of any trustee to whom the foregoing provisions of this proviso apply, to grant authority to such trustee to resign the office of trustee on such

conditions (if any) with respect to repayment or otherwise of his legacy as the court may think just; and

(3) A judicial factor shall not, by virtue of this Act, have the power of assumption, nor shall he have the power by virtue of this Act to resign his office without judicial authority.

Nothing in this section shall affect any liability incurred by any trustee prior to the date of any resignation or assumption under the provisions of this Act or of any Act repealed by this Act.

General powers of trustees.

**4.**—(1) In all trusts the trustees shall have power to do the following acts, where such acts are not at variance with the terms or purposes of the trust, and such acts when done shall be as effectual as if such powers had been contained in the trust deed, viz.:—

(*a*) To sell the trust estate or any part thereof, heritable as well as moveable.

(*b*) To grant feus of the heritable estate or any part thereof.

(*c*) To grant leases of any duration (including mineral leases) of the heritable estate or any part thereof and to remove tenants.

(*d*) To borrow money on the security of the trust estate or any part thereof, heritable as well as moveable.

(*e*) To excamb any part of the trust estate which is heritable.

(*f*) To appoint factors and law agents and to pay them suitable remuneration.

(*g*) To discharge trustees who have resigned and the representatives of trustees who have died.

(*h*) To uplift, discharge, or assign debts due to the trust estate.

(*i*) To compromise or to submit and refer all claims connected with the trust estate.

(*j*) To refrain from doing diligence for the recovery of any debt due to the truster which the trustees may reasonably deem irrecoverable.

(*k*) To grant all deeds necessary for carrying into effect the powers vested in the trustees.

(*l*) To pay debts due by the truster or by the trust estate without requiring the creditors to constitute such debts where the trustees are satisfied that the debts are proper debts of the trust.

(*m*) To make abatement or reduction, either temporary or permanent, of the rent, lordship, royalty, or other consideration stipulated in any lease of land, houses, tenements, minerals, metals, or other subjects, and to accept renunciations of leases of any such subjects.

(*n*) To apply the whole or any part of trust funds which the trustees are empowered or directed by the trust deed to invest in the purchase of heritable property in the payment or redemption of any debt or burden affecting heritable property which may be destined to the same series of heirs and subject to the same conditions as are by the trust deed made applicable to heritable property directed to be purchased.

(2) This section shall apply to acts done before as well as after the passing of this Act, but shall not apply so as to affect any question relating to an act enumerated in head (*a*), (*b*), (*c*), (*d*), or (*e*) of this section which may, at the passing of this Act, be the subject of a depending action.

Powers which may be granted to trustees by the court.

**5.** It shall be competent to the court, on the petition of the trustees under any trust, to grant authority to the trustees to do any of the acts mentioned in the section of this Act relating to general powers of trustees, notwithstanding that such act is at variance with the terms or purposes of the trust, on being satisfied that such act is in all the circumstances expedient for the execution of the trust.

In this section the expression "trust" shall not include any trust constituted by private or local Act of Parliament, and the expression "trustees" shall be construed accordingly.

Method of sale by trustees.

**6.** All powers of sale conferred on trustees by the trust deed or by virtue of this Act may be exercised either by public roup or private bargain unless otherwise directed in the trust deed or in the authority given by the court,

and when the estate is heritable it shall be lawful in the exercise of such powers to sell subject to or under reservation of a feu-duty or ground annual at such rate and on such conditions as may be agreed upon, and in such sales and feus it shall be lawful to reserve the mines and minerals.

Deeds granted by trustees.

**7.** Any deed bearing to be granted by the trustees under any trust, and in fact executed by a quorum of such trustees in favour of any person other than a beneficiary or a co-trustee under the trust where such person has dealt onerously and in good faith shall not be void or challengeable on the ground that any trustee or trustees under the trust was or were not consulted in the matter, or was or were not present at any meeting of trustees where the same was considered, or did not consent to or concur in the granting of the deed, or on the ground of any other omission or irregularity of procedure on the part of the trustees or any of them in relation to the granting of the deed.

Nothing in this section shall affect any question of liability or otherwise between any trustee under any trust on the one hand and any co-trustee or beneficiary under such trust on the other hand. This section shall apply to deeds granted before as well as after the passing of this Act, but shall not apply so as to affect any question which may, at the passing of this Act, be the subject of a depending action.

In this section the expression "quorum" means a quorum of the trustees under any trust entitled to act in terms of the trust deed or in virtue of this Act, or of any Act repealed by this Act, as the case may be.

Conveyances to non-existing or unidentifiable persons.

**8.**—(1) Where in any deed, whether inter vivos or mortis causa, heritable or moveable property is conveyed to any person in liferent, and in fee to persons who, when such conveyance comes into operation, are unborn or incapable of ascertainment, the person to whom the property is conveyed in liferent shall not be deemed to be beneficially entitled to the property in fee by reason only that the liferent is not expressed in the deed to be a liferent allenarly; and all such conveyances as aforesaid shall, unless a contrary intention appears in the deed, take effect in the same manner and in all respects as if the liferent were declared to be a liferent allenarly; provided always that this subsection shall not apply to

any conveyance which has come into operation before the passing of this Act.

For the purposes of this subsection, the date at which any conveyance in liferent and fee as aforesaid comes into operation shall be deemed to be the date at which the person to whom the liferent is conveyed first becomes entitled to receive the rents or income of the property.

(2) Where under any conveyance, whether coming into operation before or after the passing of this Act, any property is conveyed to one person in liferent and in fee to persons who, when such conveyance comes into operation, are unborn or incapable of ascertainment, it shall be competent to the court, on the application of the liferenter, whether or not he would, according to the existing law, be deemed to be fiduciary fiar, or of any person to whom the fee or any part thereof bears to be presumptively destined, or who may have an interest under such conveyance notwithstanding that such interest is prospective or contingent, or of the Accountant of Court:—

(*a*) To grant authority to the fiduciary fiar to exercise all or such of the powers, or to do all or such of the acts, competent to a trustee at Common Law or under this Act, as to the court may seem fit:

(*b*) To appoint a trustee or trustees (of whom the liferenter or fiduciary fiar may be one) with all the powers of trustees at Common Law and under this Act, or a judicial factor, to hold the said property in trust in place of the liferenter or fiduciary fiar; and to authorise and ordain the fiduciary fiar to execute and deliver all such deeds as may be necessary for the completion of title to the said property by such trustee or trustees or judicial factor; or otherwise, to grant warrant to such trustee or trustees or judicial factor to complete a title to the said property in the same manner and to the same effect as under a warrant in favour of a trustee or trustees granted in terms of the section of this Act relating to the appointment of new trustees by the court, or a warrant in favour of a judicial factor granted in terms of section

twenty-four of the Titles to Land Consolidation (Scotland) Act, 1868, or section forty-four of the Conveyancing (Scotland) Act, 1874, as the case may be. The expense of completing the title as aforesaid shall, unless the court otherwise directs, be a charge against the capital of the estate. 31 & 32 Vict. c. 101. 37 & 38 Vict. c. 94.

(3) For the purposes of this section, all references to a trust deed in this Act contained shall be read and construed as a reference to the conveyance of the property in liferent and fee as aforesaid.

Liferents of personal estate beyond certain limits prohibited.

**9.** It shall be competent to constitute or reserve by means of a trust or otherwise a liferent interest in moveable and personal estate in Scotland in favour only of a person in life at the date of the deed constituting or reserving such liferent, and, where any moveable or personal estate in Scotland shall, by virtue of any deed dated after the thirty-first day of July, eighteen hundred and sixty-eight, (the date of any testamentary or mortis causa deed being taken to be the date of the death of the granter, and the date of any contract of marriage being taken to be the date of the dissolution of the marriage) be held in liferent by or for behoof of a person of full age born after the date of such deed, such moveable or personal estate shall belong absolutely to such person, and, where such estate stands invested in the name of any trustees, such trustees shall be bound to deliver, make over, or convey such estate to such person: Provided always that, where more persons than one are interested in the moveable or personal estate held by trustees as herein-before mentioned, all the expenses connected with the transference of a portion of such estate to any of the beneficiaries in terms of this section shall be borne by the beneficiary in whose favour the transference is made.

Powers of investment.

**10.** Trustees under any trust may, unless specially prohibited by the constitution or terms of the trust, invest the trust funds:—

(*a*) In the purchase of—

(1) Any of the Government stocks, public funds, or securities of the United Kingdom;

(2) Stock of the Bank of England;

(3) Any securities the interest of which is or shall be guaranteed by Parliament;

(4) Debenture stock of railway companies in Great Britain incorporated by Act of Parliament;

(5) Preference, guaranteed, lien, annuity, or rentcharge stock, the dividend on which is not contingent on the profits of the year of such railway companies in Great Britain as have paid a dividend on their ordinary stock for ten years immediately preceding the date of investment;

(6) Stock or annuities issued by any municipal corporation in Great Britain, which annuities or the interest or dividend upon which stock are secured upon rates or taxes levied by such municipal corporation under authority of any Act of Parliament;

56 & 57 Vict. c. 8.

(7) Redeemable stock issued under the Local Authorities Loans (Scotland) Acts, 1891 and 1893, by any local authority in Scotland;

(8) Consolidated stock created by the Metropolitan Board of Works or by the London County Council and Metropolitan Water Stock created by the Metropolitan Water Board;

(9) East India stock;

(10) Feu-duties or ground annuals:

(*b*) In loans—

(11) On the security of any of the stocks, funds, or other property aforesaid;

(12) On real or heritable security in Great Britain;

(13) On debentures or mortgages of railway companies in Great Britain incorporated by Act of Parliament;

(14) On bonds, debentures, or mortgages secured on rates or taxes levied under the authority of any Act of Parliament by municipal corporations in Great Britain authorised to borrow money on such security;

(15) On bonds, debentures, or mortgages secured on any rate or tax levied under the

authority of any Act of Parliament by any local authority in Scotland authorised to borrow money on such security, including local bonds issued under the Housing (Additional Powers) Act, 1919; 9 & 10 Geo. 5. c. 99.

(16) On Indian railway stock, debentures, bonds, or mortgages on which the interest is permanently guaranteed by the Indian Government and payable in sterling money in Great Britain:

(*c*) In the purchase of or in loans on—

(17) Any stocks, funds, debentures, bonds, mortgages, or other securities for the time being approved for the investment of trust funds by the court as hereinafter in this Act provided:

Provided that the trustees shall not be held to be subject as defendants or respondents to the jurisdiction of any of His Majesty's courts of law or equity in England or Ireland, either as trustees or personally in any suit for administration of the trust by reason of their having invested or lent trust funds as aforesaid: Provided also that nothing in this section contained shall be construed as authorising or permitting a local authority to invest in any securities of such local authority any money required by the Local Authorities Loans (Scotland) Acts, 1891 and 1893, or by statutory sinking fund regulations in force for the time being to be invested.

Investment in colonial stock.

**11.** Trustees under any trust may, unless specially prohibited by the constitution or terms of the trust, invest the trust funds in the purchase of any colonial stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 to 1900, and is included in the list of colonial stocks kept by the Treasury as provided in the Colonial Stock Act, 1900: Provided that a trustee may not, under the powers of this section, purchase at a price exceeding its redemption value any colonial stock which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or purchase any colonial stock which is liable to be redeemed at par or at some other fixed rate at a price exceeding fifteen per cent. above par or such other fixed rate. 63 & 64 Vict. c. 62.

Investment on charges under Improvement of Land Acts, &c.
27 & 28 Vict. c. 114.
62 & 63 Vict. c. 46.
57 & 58 Vict. c. 30.
10 Edw. 7. & 1 Geo. 5. c. 8.

**12.**—(1) A trustee having power to invest in real securities, unless expressly forbidden by the trust deed, may invest, and shall be deemed to have always had power to invest, on any charge or on any mortgage on such charge made under the Improvement of Land Acts, 1864 and 1899, or on any charge created for payment of estate or other Government duty under the Finance Act, 1894, or the Finance (1909–10) Act, 1910.

(2) A trustee having power to invest in the mortgages or bonds of any railway company or of any other description of company may, unless the contrary is expressed in the trust deed, invest in the debenture stock of a railway company or such other company as aforesaid.

(3) A trustee having power to invest money in securities in the Isle of Man or in securities of the Government of a colony may, unless the contrary is expressed in the trust deed, invest in any securities of the Government of the Isle of Man under the Isle of Man Loans Act, 1880.

43 & 44 Vict. c. 8.

(4) A trustee having a general power to invest trust money in or upon the security of shares, stock, mortgages, bonds, or debentures of companies incorporated by or acting under the authority of an Act of Parliament or Royal Charter may invest in or upon the security of mortgage debentures duly issued under and in accordance with the provisions of the Mortgage Debenture Act, 1865.

28 & 29 Vict. c. 78.

Power to invest notwithstanding drainage charges.

**13.** A trustee having power to invest in the purchase of land or on heritable security may invest in the purchase of or on heritable security over any land notwithstanding that the same is charged with a rent under the powers of the Public Money Drainage Acts, 1846 to 1856, or by an absolute order made under the Improvement of Land Act, 1864, unless the terms of the trust expressly provide that the land to be purchased or taken in security shall not be subject to any such prior charge.

27 & 28 Vict. c. 114.

Powers of investment in trust deeds not to be restricted.

**14.**—(1) The powers of investment conferred upon trustees by the four immediately preceding sections of this Act shall not be held or construed as restricting or controlling any powers of investment of trust funds expressly contained in any trust deed.

(2) In the aforesaid sections and in this section the expression "trustee" includes any person holding funds

in a fiduciary capacity, and the expressions "trust" and "trust deed" shall be construed accordingly.

Trustees not to hold certificates or bonds payable to bearer.

**15.**—(1) A trustee, unless authorised by the terms of his trust, shall not apply for purchase, acquire, or hold beyond a reasonable time for realisation or conversion into registered or inscribed stock any certificate to bearer or debenture or other bond or document payable to bearer.

(2) Nothing in this section shall impose on the Bank of England or the Bank of Ireland or on any person authorised by or under any Act of Parliament to issue any such certificate, bond, or document any obligation to inquire whether a person applying for such a certificate, bond, or document is or is not a trustee, or subject them to any liability in the event of their granting any such certificate, bond, or document to a trustee, nor invalidate any such certificate, bond, or document if granted.

The court may authorise the advance of part of the capital of a trust fund.

**16.** The court may, from time to time under such conditions as they see fit, authorise trustees to advance any part of the capital of a fund destined either absolutely or contingently to beneficiaries who at the date of the application to the court are not of full age, if it shall appear that the income of the fund is insufficient or not applicable to, and that such advance is necessary for, the maintenance or education of such beneficiaries or any of them, and that it is not expressly prohibited by the trust deed, and that the rights of such beneficiaries, if contingent, are contingent only on their survivance.

Trustees may apply to court for superintendence order as to investment and distribution of estate.

**17.** It shall be competent for the trustees under any trust deed or one or more of them to apply to the court for an order on the accountant of court to superintend their administration of the trust in so far as it relates to the investment of the trust funds and the distribution thereof among the creditors interested and the beneficiaries under the trust, and the court may grant such order accordingly, and if such order be granted the accountant of court shall annually examine and audit the accounts of such trustees, and at any time, if he thinks fit, he may report to the court upon any question that may arise in the administration of the trust with regard to any of the foresaid matters and obtain the directions of the court thereupon.

Discharge of trustees resigning and heirs of trustees dying during the subsistence of the trust.

**18.** When a trustee who resigns or the representatives of a trustee who has died or resigned cannot obtain a discharge of his acts and intromissions from the remaining trustees, and when the beneficiaries of the trust refuse or are unable from absence, incapacity or otherwise to grant a discharge, the court may, on petition to that effect at the instance of such trustee or representative and after such intimation and inquiry as may be thought necessary, grant such discharge.

Form of resignation of trustees.

**19.**—(1) Subject to the provisions of subsection (2) of this section, any trustee entitled to resign his office may do so by minute of the trust entered in the sederunt book of the trust and signed in such sederunt book by such trustee and by the other trustee or trustees acting at the time, or he may do so by signing a minute of resignation in the form of Schedule A. to this Act annexed or to the like effect, and may register the same in the books of council and session, and in such case he shall be bound to intimate the same to his co-trustee or trustees, and the resignation shall be held to take effect from and after the date of the receipt of such intimation, or the last date thereof if more than one, and in case after inquiry the residence of any trustee to whom intimation should be given under this provision cannot be found, such intimation shall be sent by post in a registered letter addressed to the Keeper of the Register of Edictal Citations.

(2) A sole trustee desiring to resign his office may apply to the court stating such desire and praying for the appointment of new trustees or of a judicial factor to administer the trust, and the court, after intimation to the beneficiaries under the trust, or such of them as the court may direct, may thereafter appoint either a judicial factor or new trustees, and if the court appoint new trustees the court may grant warrant to complete title as provided in the section of this Act relating to appointment of new trustees by the court.

Effect of resignation.

**20.** Where a trustee entitled to resign his office shall have resigned in either of the modes provided by the immediately preceding section or otherwise, and his resignation shall have been duly completed, such trustee shall be thereby divested of the whole property and estate of the trust, which shall accrue to or devolve upon the continuing trustees or trustee without the

necessity of any conveyance or other transfer by the resigning trustee, but without prejudice to the right of the continuing trustee or trustees to require the resigning trustee to execute and deliver to the continuing trustees or trustee at the expense of the trust a conveyance or transfer (or conveyances or transfers) of the property or estate belonging to the trust, or any part thereof if the continuing trustees or trustee shall consider this expedient, and the resigning trustee when so required shall be bound at the expense of the trust to execute and deliver such conveyance or conveyances, transfer or transfers accordingly.

Appointment of new or additional trustees by deed of assumption.

**21.** When trustees have the power of assuming new trustees, such new trustees may be assumed by deed of assumption executed by the trustee or trustees acting under the trust deed or by a quorum of such trustees, if more than two, in the form of Schedule B. to this Act annexed or to the like effect, and a deed of assumption so executed, in addition to a general conveyance of the trust estate, may contain a special conveyance of heritable property belonging to the trust estate, and in such case shall be effectual as a conveyance of such heritable property in favour of the existing trustees and the trustees so to be assumed, and such deed of assumption shall also be effectual as an assignation in favour of such existing and assumed trustees of the whole personal property belonging to the trust estate, and in the event of any trustee acting under any trust deed being insane or incapable of acting by reason of physical or mental disability or by continuous absence from the United Kingdom for a period of six months or upwards, such deed of assumption may be executed by the remaining trustee or trustees acting under such trust deed: Provided that, when the signatures of a quorum of trustees cannot be obtained, it shall be necessary to obtain the consent of the court to such deed of assumption on application either by the acting trustee or trustees or by any one or more of the beneficiaries under the trust deed.

Appointment of new trustees by the court.

**22.** When trustees cannot be assumed under any trust deed, or when any person who is the sole trustee appointed in or acting under any trust deed is or has become insane or is or has become incapable of acting by reason of physical or mental disability, or by being absent continuously from the United Kingdom for a

period of at least six months, or by having disappeared for a like period, the court may, upon the application of any party having interest in the trust estate, after such intimation and inquiry as may be thought necessary, appoint a trustee or trustees under such trust deed with all the powers incident to that office, and, on such appointment being made in the case of any person becoming insane or incapable of acting as aforesaid, such person shall cease to be a trustee under such trust deed, and the court may, on such application, grant a warrant to complete a title to any heritable property forming part of the trust estate in favour of the trustee or trustees so appointed, which warrant shall specify and describe the heritable property to which it is applicable, or refer in terms of law to a recorded deed containing a description thereof, and shall also specify the moveable or personal property, or bear reference to an inventory appended to the petition to the court in which such moveable or personal property is specified, and such warrant shall be effectual as a conveyance of such heritable property in favour of the trustee or trustees so appointed in like manner and to the same effect as a warrant in favour of a judicial factor granted under the authority of section twenty-four of the Titles to Lands Consolidation (Scotland) Act, 1868, or section forty-four of the Conveyancing (Scotland) Act, 1874, and shall also be effectual as an assignation of such moveable or personal property in favour of the trustee or trustees so appointed.

Court may remove trustees in certain cases.

**23.** In the event of any trustee being or becoming insane or incapable of acting by reason of physical or mental disability or being absent from the United Kingdom continuously for a period of at least six months, or having disappeared for a like period, such trustee, in the case of insanity or incapacity of acting by reason of physical or mental disability, shall, and in the case of continuous absence from the United Kingdom or disappearance for a period of six months or upwards, may, on application in manner in this section provided by any co-trustee or any beneficiary or other person interested in the trust estate, be removed from office upon such evidence as shall satisfy the court to which the application is made of the insanity, incapacity, or continuous absence or disappearance of such trustee. Such application in the case of a mortis causa trust may be made

either to the court of session or to the sheriff court from which the original confirmation of the trustees as executors issued, and in the case of a marriage contract may be made either to the court of session or to the sheriff court of the district in which the spouses are or the survivor of them is domiciled, and in all other cases shall be made to the court of session.

Completion of title by the beneficiary of a lapsed trust.

**24.** Any person who shall be entitled to the possession for his own absolute use of any heritable property or moveable or personal property the title to which has been taken in the name of any trustee who has died or become incapable of acting without having executed a conveyance of such property, or any other person deriving right whether immediately or otherwise from the person entitled as aforesaid, may apply by petition to the court for authority to complete a title to such property in his own name, and such petition shall specify and describe the heritable property or refer to a description thereof in terms of law, and refer to an inventory in which the moveable or personal property is specified to which such title is to be completed, and after such intimation and inquiry as may be thought necessary it shall be lawful for the court to grant a warrant for completing such title as aforesaid, which warrant shall specify and describe the heritable property to which it is applicable, or refer in terms of law to a description thereof, and shall also specify the moveable or personal property or shall bear reference to an inventory appended to the petition in which such moveable or personal property is specified, and such warrant shall be effectual as a conveyance of such heritable property in favour of the petitioner in like manner and to the same effect as a warrant in favour of a judicial factor granted under the authority of section twenty-four of the Titles to Land Consolidation (Scotland) Act, 1868, or section forty-four of the Conveyancing (Scotland) Act, 1874, and shall also be effectual as an assignation of such moveable or personal property in favour of the petitioner.

Completion of title of judicial factors.

**25.** Application for authority to complete the title of a judicial factor to any trust property or estate may be contained in the petition for the appointment of such factor, and such application may include moveable or personal property.

Powers of court under this Act to be exercised by Lord Ordinary.

**26.** Applications to the court under the authority of this Act shall be by petition addressed to the court, and shall be brought in the first instance before one of the Lords Ordinary officiating in the Outer House, who may direct such intimation and service thereof and such investigation or inquiry as he may think fit, and the power of the Lord Ordinary before whom the petition is enrolled may be exercised by the Lord Ordinary on the Bills during vacation, and all such petitions shall, as respects procedure, disposal and review, be subject to the same rules and regulations as are enacted with respect to petitions coming before the Junior Lord Ordinary in virtue of the Court of Session Act, 1857: Provided that, when in the exercise of the powers pertaining to the court of appointing trustees and regulating trusts, it shall be necessary to settle a scheme for the administration of any charitable or other permanent endowment, the Lord Ordinary shall, after preparing such scheme, report to one of the divisions of the court, by whom the same shall be finally adjusted and settled, and in all cases where it shall be necessary to settle any such scheme, intimation shall be made to His Majesty's Advocate, who shall be entitled to appear and intervene for the interests of the charity or any object of the trust or the public interest.

20 & 21 Vict. c. 56.

Court may pass Acts of Sederunt.

**27.** The court shall be and is hereby empowered from time to time to make such regulations by Act or Acts of Sederunt as may be requisite for carrying into effect the purposes of this Act, including such regulations as may be requisite for enabling the court from time to time to approve as investments for trust funds, any stocks, funds, or securities in addition to those in which trustees are by this Act expressly authorised to invest trust funds, and subsequently to disapprove as such investments any stocks, funds or securities so approved under this Act or any Act by this Act repealed, and for keeping, revising, or publishing a list of any stocks, funds, or securities for the time being so approved.

Resignation of trustee who is also executor to infer resignation as executor.

**28.** In all cases where a trust deed appoints the trustees to be also executors the resignation of any such trustee shall infer, unless where otherwise expressly declared, his resignation also as an executor under such trust deed.

Extent of liability of trustee.

**29.** Where a trustee shall have improperly advanced trust money on a heritable security which would, at the time of the investment, have been a proper investment in all respects for a less sum than was actually advanced thereon, the security shall be deemed an authorised investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

Trustee not to be chargeable with breach of trust for lending money on security of any property on certain conditions.

**30.**—(1) Any trustee lending money on the security of any property shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of such property at the time when the loan was made, provided that it shall appear to the court that in making such loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be an able practical valuator instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situated or elsewhere, and that the amount of the loan by itself or in combination with any other loan or loans upon the property ranking prior to or pari passu with the loan in question does not exceed two equal third parts of the value of the property as stated in such report, and this section shall apply to a loan upon any property on which the trustees can lawfully lend.

(2) This section shall apply to transfers of existing securities as well as to new securities, and in its application to a partial transfer of an existing security the expression "the amount of the loan" shall include the amount of any other loan or loans upon the property ranking prior to or pari passu with the loan in question.

Power of court to make orders in case of breach of trust.

**31.** Where a trustee shall have committed a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the court may, if it shall think fit, make such order as to the court shall seem just for applying all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

Court may relieve trustee from

**32.**—(1) If it appears to the court that a trustee is or may be personally liable for any breach of trust,

personal liability.

whether the transaction alleged to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, then the court may relieve the trustee either wholly or partly from personal liability for the same.

(2) In this section and in the two immediately preceding sections the expression "the court" shall mean any court of competent jurisdiction in which a question relative to the actings, liability, or removal of a trustee comes to be tried.

Investment ceasing to be an authorised investment.

**33.** A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorised by the trust deed or by or under this Act.

Expenses of applications under this Act.

**34.**—(1) The court shall determine all questions of expenses in relation to any application made under this Act, and may direct that any such expenses shall be paid out of the trust estate where the court considers this reasonable.

(2) In this section the expression "the court" shall include any court to which an application may be made under this Act.

Application of Act.

**35.** Save as in this Act expressly otherwise provided—

(1) This Act shall apply to trusts which have come into operation before as well as to trusts coming into operation after the passing of this Act.

(2) Nothing in this Act contained shall be held to extend the liability of trustees.

Repeal.

**36.** The Acts mentioned in Schedule C to this Act are hereby repealed to the extent shown in the third column of that schedule.

# SCHEDULES.

## SCHEDULE A.

Section 19.

### Form of Minute of Resignation.

I, *A.B.*, do hereby resign the office of trustee under the trust disposition and settlement (*or other deed*) granted by *C.D.* dated the day of .* (*If the trustee was assumed add*, and to which office of trustee I was assumed by deed of assumption granted by *E.F.* and *G.H.*, dated day of *.) (*To be attested.*)

* If recorded specify register and date of recording.

## SCHEDULE B.

Section 21.

### Form of Deed of Assumption.

I, *A.B.* (*or* we, *A.B.* and *C.D.*), the accepting and surviving (*or* remaining) trustee (*or* trustees, *or* a majority and quorum of the accepting and surviving trustees), acting under a trust disposition and settlement (*or other deed*) granted by *E.F.*, dated the day of (*if recorded, specify register and date of recording*), do hereby assume *G.H.* (*or G.H.* and *I.K.*) as a trustee (*or* trustees) under the said trust disposition and settlement (*or other deed*); and I (*or* we) dispone and convey to myself (*or* ourselves) and the said *G.H.* (*or G.H.* and *I.K.*) as trustees under the said trust disposition and settlement (*or other deed*), and the survivors or survivor, and the heir of the last survivor, the majority, while more than two are acting, being a quorum (*or otherwise in accordance with the terms of the trust deed*), all and sundry the whole trust estate and effects, heritable and moveable, real and personal, of every description and wherever situated, at present belonging to me (*or* us) or under my (*or* our) control as trustee (*or* surviving trustees, *or otherwise as the case may be*), under the said trust disposition and settlement (*or other deed*),

together with the whole vouchers, titles, and instructions thereof. (*Then may follow, if wished, special conveyances of heritable or personal property, with the usual clauses of a conveyance applicable to such property, and as the case may require.*) (*To be attested.*)

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Section 36.

## SCHEDULE C.

| Year and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 9 & 10 Vict. c. 101. | The Public Money Drainage Act, 1846. | Section thirty-seven so far as it applies to Scotland. |
| 24 & 25 Vict. c. 84. | The Trusts (Scotland) Act, 1861. | The whole Act. |
| 26 & 27 Vict. c. 73. | The India Stock Certificate Act, 1863. | Section four so far as it applies to Scotland. |
| 27 & 28 Vict. c. 114. | The Improvement of Land Act, 1864. | Section sixty so far as it relates to trustees and so far as it applies to Scotland.<br>Section sixty-one so far as it applies to Scotland. |
| 28 & 29 Vict. c. 78. | The Mortgage Debenture Act, 1865. | Section forty so far as it applies to Scotland. |
| 30 & 31 Vict. c. 97. | The Trusts (Scotland) Act, 1867. | The whole Act. |
| 31 & 32 Vict. c. 84. | The Entail Amendment (Scotland) Act, 1868. | Section seventeen. |
| 33 & 34 Vict. c. 71. | The National Debt Act, 1870. | Section twenty-nine so far as it applies to Scotland. |
| 34 & 35 Vict. c. 27. | The Debenture Stock Act, 1871. | The whole Act. |
| 40 & 41 Vict. c. 59. | The Colonial Stock Act, 1877. | Section twelve so far as it applies to Scotland. |
| 43 & 44 Vict. c. 8. | The Isle of Man Loans Act, 1880. | Section seven so far as it relates to trustees and so far as it applies to Scotland. |
| 47 & 48 Vict. c. 63. | The Trusts (Scotland) Amendment Act, 1884. | The whole Act. |
| 48 & 49 Vict. c. 25. | The East India Unclaimed Stock Act, 1885. | Subsection (3) of section twenty-three so far as it applies to Scotland. |
| 50 & 51 Vict. c. 18. | The Trusts (Scotland) Act, 1867, Amendment Act, 1887. | The whole Act. |
| 52 & 53 Vict. c. 39. | The Judicial Factors (Scotland) Act, 1889. | Sections eighteen and nineteen. |

| Year and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 54 & 55 Vict. c. 34. | The Local Authorities Loans (Scotland) Act, 1891. | Subsection (3) of section forty-one.<br>Section forty-four. |
| 54 & 55 Vict. c. 44. | The Trusts (Scotland) Amendment Act, 1891. | The whole Act. |
| 60 Vict. c. 8 - | The Trusts (Scotland) Act, 1897. | The whole Act. |
| 61 & 62 Vict. c. 42. | The Trusts (Scotland) Act, 1898. | The whole Act. |
| 63 & 64 Vict. c. 62. | The Colonial Stock Act, 1900. | Section two so far as it relates to trustees and so far as it applies to Scotland.<br>Section three. |
| 10 Edw. 7 & 1 Geo. 5. | The Trusts (Scotland) Act, 1910. | The whole Act. |

## CHAPTER 59.

An Act to provide for the payment of a lump sum in satisfaction of claims of Irish Railway Companies under an agreement with the Government, and otherwise for the distribution of such sum amongst the several companies and for the continuance of a clause in the said agreement. [19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Composition of claims under railway agreements.

**1.**—(1) The Minister of Transport (hereinafter referred to as the Minister) shall, out of moneys to be provided by Parliament place on deposit with the Bank of Ireland the sum of three million pounds to the credit of a deposit account entitled "the Irish Railway Companies Compensation Account" and that sum shall be payable by the following instalments and on the dates hereinafter mentioned, that is to say, the first instalment of two hundred thousand pounds shall become due on the

first day of October, nineteen hundred and twenty-one, the second instalment of one million three hundred thousand pounds shall become due on the thirty-first day of December, nineteen hundred and twenty-one, and the third instalment of one million five hundred thousand pounds shall become due on the thirty-first day of December, nineteen hundred and twenty-two, and each such instalment shall be paid within fifteen days after it so becomes due.

(2) The payment of the said sum shall be a full discharge and in satisfaction of all claims which might otherwise have been made by any railway company in Ireland to which this Act applies for compensation under the Regulation of the Forces Act, 1871, the Ministry of Transport Act, 1919, or otherwise arising out of or in respect of the possession by the Crown of the undertaking, railroad, or plant of such railway company or the exercise of the powers conferred by those Acts:

34 & 35 Vict. c. 86.
9 & 10 Geo. 5. c. 50.

Provided that the rights and liabilities of the Crown or the Minister on the one hand, and of the railway companies on the other hand, under the terms of the agreements or arrangements relating to the possession by the Crown of the railways, shall, so far as regards the making good of any deficiency in the net receipts of the companies (including the payment of interest) up to the end of the period of possession (but exclusive of any deficiency in net receipts for any period which though not within the period of possession is, by virtue of such agreements and arrangements as aforesaid, to be deemed or considered to be within that period) and in relation to any sums expended and liabilities incurred by the companies in respect of repairs and renewals effected before the end of that period in accordance with the said agreements and arrangements, subsist and continue.

Distribution of money amongst railway companies.

**2.**—(1) The moneys so placed to the credit of the said account in accordance with the provisions of this Act, together with the interest (if any) that may accrue thereon, shall, subject to the payment of the expenses of the tribunal hereinafter mentioned, be distributed amongst the railway companies to which this Act applies in accordance with the provisions of this Act by the Irish Railway Clearing House Committee (hereinafter called the Committee) who shall on request issue under their seal a certificate authorising the payment by the Bank of

Ireland to each of the said companies forthwith the amount or amounts allocated to such company in accordance with the provisions of this Act, and any such sum so allocated to any company shall be deemed to become or to have become due to the company on the date on which the instalment out of which the sum is payable becomes or became due, and such certificate shall be sufficient authority to the Bank to make the payment directed thereby and the Bank shall make such payments accordingly.

(2) The said moneys and interest shall be distributed amongst the railway companies to which this Act applies in accordance with such scheme or schemes of allocation as may be agreed between the companies or as failing agreement may be settled from time to time by a tribunal (hereinafter referred to as "the tribunal"), consisting of the Right Hon. Sir David Harrel, G.C.B. (who shall be President), John Mackie, Esq., and Herbert Wilson, Esq., K.C., who shall have regard to the terms of the said agreements and arrangements between the Government and the railway companies in Ireland with respect to compensation:

Provided that—

(i) the said first instalment of two hundred thousand pounds shall, as soon as may be after the first day of October, nineteen hundred and twenty-one, be distributed among those companies whose working expenses exceeded their receipts for the period from the first day of January to the fifteenth day of August (both inclusive), nineteen hundred and twenty-one, in ratio to the extent to which they are so in excess as shown by the estimates of receipts and expenditure furnished for the purposes of the compensation accounts between the Government and the railway companies adjusted—

(*a*) for maintenance and renewals not carried out;

(*b*) for maintenance and renewals arrears overtaken between the first day of January and the fifteenth day of August, nineteen hundred and twenty-one;

(*c*) to give effect to private settlements;

(*d*) as regards traffic receipts balances worked out by the Railway Clearing House and the Irish Railway Clearing House respectively in respect of the same period;

and any payment so made to any railway company shall be treated as a payment on account of the sum ultimately allocated to the company under any such scheme or schemes as aforesaid;

(ii) A baronially guaranteed line worked by the owning company, or by a committee of management, which has been efficiently and economically worked and managed during the twelve months ending on the fifteenth day of August, nineteen hundred and twenty-two, shall not receive a less amount than that necessary to ensure that the net receipts for that period on railway working, shall not be less, nor the deficiency more, than for the year of account ended next before the first day of January, nineteen hundred and fourteen, but in determining the net receipts for the twelve months ending on the fifteenth day of August, nineteen hundred and twenty-two, no portion of any amount allocated to the working company under any such scheme as aforesaid in respect of arrears of maintenance and renewal shall be taken into account;

(iii) no portion of the said sum of three million pounds or of the interest thereon shall be allocated to any company which is neither itself conducting its traffic nor maintaining its undertaking.

(3) The tribunal shall transmit to the Committee a certificate setting forth their determination upon any matter determined by them under this section.

(4) Notwithstanding anything in the Income Tax Acts, any sum received by a railway company under the provisions of this Act shall not be charged to income tax.

(5) The tribunal shall continue until all matters in respect of which they have jurisdiction under this Act have been settled, and, in the event of any vacancy occurring amongst the members of the tribunal by death,

resignation or otherwise, the Lord Lieutenant may appoint a person to fill the vacancy, but the tribunal may act notwithstanding a vacancy in their number, and two shall be a quorum and, subject as aforesaid, the tribunal may regulate their own procedure.

Continuance of provisions of agreement as to worked lines. 9 & 10 Geo. 5. c. 78.

**3.** Clause twelve of the agreement between the Government and the Irish railway companies, as confirmed by, and set forth in the Schedule to, the Irish Railways (Confirmation of Agreement) Act, 1919, which regulates the amount payable to owning companies under working agreements, shall continue in force until the Council of Ireland otherwise provide, as if in that clause after the words "during each year of Government "control" there were inserted the words "and thereafter "until further provision is made by the Council of "Ireland."

Interpretation.

**4.** The railway companies to which this Act applies are the railway companies in Ireland of whose undertakings possession is retained under the Ministry of Transport Act, 1919, up to the end of the period of possession; that is to say, the period ending on the fifteenth day of August, nineteen hundred and twenty-one, during which possession of those undertakings is under the said Act authorised to be retained by the Minister.

Short title.

**5.** This Act may be cited as the Irish Railways (Settlement of Claims) Act, 1921.

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## CHAPTER 60.

An Act to extend the hours during which Sweets, Chocolates, or other Sugar Confectionery, or Ice Cream, may be sold to the Public.

[19th August 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of hours for

**1.** Part I. and Part II. of the Schedule to the Shops (Early Closing) Act, 1920, shall have effect as though at

sale of confectionery, &c. 10 & 11 Geo. 5. c. 58.

the end of Article 2 thereof the following words were inserted :—

"or

"(4) The sale of fruit, table waters, sweets, chocolates, or other sugar confectionery, or ice cream, until 9.30 p.m. on week days other than Saturdays, and 10 p.m. on Saturdays."

Short title.

**2.** This Act may be cited as the Shops (Early Closing) Act (1920) Amendment Act, 1921.

## CHAPTER 61.

An Act to modify temporarily the provisions of section three of the Forestry Act, 1919.

[8th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Suspension of proviso to s. 3 (3) of 9 & 10 Geo. 5. c. 58.

**1.** The condition which, under section three of the Forestry Act, 1919, is attached to any grant made under that section shall not apply to a grant so made or agreed to be so made within six months after the passing of this Act, if the Treasury with a view to promoting employment authorise the grant to be made free from that condition.

Short title.

**2.** This Act may be cited as the Forestry Act, 1921.

## CHAPTER 62.

An Act to make temporary provision for the payment of grants to unemployed workers towards the maintenance of their wives, dependent husbands, and dependent children, and to suspend the operation of section twenty-seven of the Unemployment Insurance Act, 1920.

[8th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Grants for maintenance of wife and children of unemployed workers.

**1.**—(1) Subject to the provisions of this Act, there shall, while this Act continues in force, be payable to every person who is an unemployed worker within the meaning of this Act towards the maintenance of his wife and dependent children or, in the case of an unemployed worker being a woman who has a husband or children dependent on her, towards the maintenance of that husband and those children, a grant at the rate provided by this Act:

Provided that no grant shall be payable under this Act in respect of a wife who is in receipt of unemployment benefit under the Unemployment Insurance Acts, 1920 and 1921, or under any special scheme made under those Acts, or who is in regular wage-earning employment, or is engaged in any occupation ordinarily carried on for profit.

10 & 11 Geo. 5. c. 30. 11 Geo. 5. c. 1.

(2) Where a female person is residing with an unemployed worker, who is a widower or unmarried, for the purpose of having the care of his dependent children and is being maintained by him, or has been and is living as his wife with a person who is such an unemployed worker as aforesaid, a grant under this Act shall be payable to the unemployed worker in respect of that person at the same rate, in the same manner, and subject to the same conditions at, in and subject to which a grant would be payable to him under this Act if that person were his wife.

(3) The weekly rate of the grant payable under this Act shall be five shillings in respect of a wife or husband as the case may be, and one shilling in respect of each dependent child.

(4) Grants under this Act shall be paid subject to such conditions as to proof and otherwise and in such manner as the Minister of Labour may direct.

(5) If any question arises as to whether a grant is payable under this Act in respect of any person, that question shall be referred to and decided by the Minister of Labour, who may, if he thinks fit, refer the question to the local employment committee for their report and recommendation.

The decision of the Minister of Labour on any question which is to be decided by him under this Act

shall be final and conclusive and not subject to appeal to any court.

(6) In this Act, unless the context otherwise requires—

The expression "unemployed worker" means a person who, being insured under the Unemployment Insurance Acts, 1920 and 1921, or under any special scheme made under those Acts, is in receipt of unemployment benefit under those Acts or under the scheme, as the case may be:

The expression "wife" means a wife who is living with or is being maintained wholly or mainly by her husband, and for the purposes of this Act a husband shall be deemed to be dependent on his wife if he is prevented by physical or mental infirmity from supporting himself and is being maintained wholly or mainly by her:

The expression "a dependent child" means any child under the age of fourteen years who is maintained wholly or mainly at the cost of the person claiming the grant, or any child between the ages of fourteen and sixteen who is under full-time instruction in a day school and is so maintained as aforesaid:

The expression "child" includes a step-child, an adopted child and an illegitimate child:

The expression "local employment committee" means any local committee to which questions may be referred under subsection (5) of section thirteen of the Unemployment Insurance Act, 1920.

Provision of funds for purposes of the Act.

**2.**—(1) For the purpose of providing funds for the payment of grants under this Act, every employed person liable to be insured under the Unemployment Insurance Acts, 1920 and 1921, or under any special scheme made under those Acts, (in this Act referred to as "an insured person") and the employer of every such person shall be liable to pay contributions at the rates specified in Part I. of the Schedule to this Act, and there shall for the purpose aforesaid be paid out of moneys provided by Parliament a contribution of such an amount as may be determined by the Treasury to be approximately equivalent to the sum which would be produced by weekly contributions paid in respect of insured persons

at the rates specified in Part II. of the said Schedule as respects men, women, boys, and girls respectively.

(2) The contributions payable under this Act by an insured person and his employer shall be paid and collected in the same manner as and together with the contributions payable in respect of insured persons under the Unemployment Insurance Acts, 1920 and 1921, or under any special scheme made thereunder, as the case requires (subject as respects contributions payable in respect of persons insured under special schemes to such modifications as the Minister of Labour may direct), and the provisions of those Acts relating to the payment and collection of contributions (including the provisions of any regulations made under those Acts), and the provisions of those Acts for securing the payment of contributions (including provisions as to penalties and proceedings for the recovery of contributions and the provisions of section twenty-nine of the Unemployment Insurance Act, 1920, which relate to the powers of inspectors), shall, subject to any prescribed modifications, apply accordingly.

The aggregate amount collected by way of contributions under this Act and by way of contributions under the Unemployment Insurance Acts, 1920 and 1921, shall be apportioned between the fund to be constituted under this Act and the unemployment fund in accordance with directions to be given by the Treasury.

(3) All contributions payable under this Act by employers and insured persons or out of moneys provided by Parliament shall be paid into a fund under the control and management of the Minister of Labour, to be called the Unemployed Workers' Dependants Fund. The accounts of the said fund shall be audited by the Comptroller and Auditor-General.

(4) The sums to be contributed under this Act out of moneys provided by Parliament shall be paid into the said fund in such manner and at such times as the Treasury may determine, and the contributions paid under this Act in respect of persons insured under any special scheme shall be paid into the said fund in such manner and at such times as may be agreed between the Minister of Labour and the body charged with the administration of the scheme, or in default of agreement may be determined by the Treasury.

(5) Contributions under this Act shall be payable in respect of the period beginning on the seventh day of

November, nineteen hundred and twenty-one, and ending on the seventh day of May, nineteen hundred and twenty-two, inclusive:

Provided that, if it is certified by the Treasury and the Minister of Labour that the amount of the contributions payable under this Act in respect of the period aforesaid is insufficient to meet the charges on the fund, contributions shall continue to be payable for such further period as is declared by the certificate to be necessary for the purpose of meeting the deficiency.

On a certificate being issued under this section, the Minister of Labour shall cause the certificate, together with a special report with reference thereto, to be laid before Parliament.

(6) If it appears to the Treasury at any time that the rates of contributions under this Act are insufficient to meet the liabilities of the Unemployed Workers' Dependants Fund, the Minister of Labour shall, if the Treasury so direct, by order make such temporary modifications in the rates of the grants as he thinks necessary in the circumstances of the case.

On an order being made under this subsection, the Minister shall cause the order, together with a special report as to the reasons for making the order, to be laid before Parliament.

(7) Any balance remaining in the Unemployed Workers' Dependants Fund, after discharging its liabilities under this Act, shall be apportioned equitably, in accordance with directions to be given by the Minister of Labour, between the Unemployment Fund and the several funds out of which benefits under any special schemes are payable.

(8) In this section the expression "the Unemployment Fund" means the fund constituted under the Unemployment Insurance Act, 1920.

Arrangements with associations for payment of grants under Act.

3.—(1) Where the Minister of Labour has made an arrangement with any society or association under section seventeen of the Unemployment Insurance Act, 1920, he may, subject to the prescribed conditions, make an arrangement with that society or association that, in lieu of paying grants under this Act to members of the society or association, there shall be repaid periodically to the society or other association out of the Unemployed Workers' Dependants Fund such sum as appears to be, as nearly as may be equivalent to the aggregate amount which those

members would have received during that period by way of grants under this Act if no such arrangement had been made.

(2) For the purpose of this Act, the amount of any sum which, but for this section, would have been paid to any person by way of a grant under this Act shall be deemed to have been so paid.

(3) It shall be lawful for any association to make any such amendments in the instrument governing its constitution as may be necessary for the purpose of enabling the association to become an association with which the Minister may make an arrangement under this section or for the purpose of enabling the association to include any class of its members within the scope of such an arrangement, and if the instrument regulating the constitution of the association contains provisions requiring any interval of time to elapse before any action can be taken or any amendment of the instrument can take effect, those provisions shall not apply to action taken for the purposes aforesaid.

The powers by this subsection conferred on an association may, notwithstanding anything in the instrument governing the constitution of the association, be exercised by the council or other governing body of the association.

In this subsection the expression "instrument" includes any Act, memorandum, articles of association, trust deed, or rules.

Provisions in respect to discharged seamen, marines, soldiers or airmen.

4. For the purpose of defraying the cost of grants under this Act in respect of persons who have served as seamen, marines, soldiers or airmen, the Admiralty, Army Council and Air Council, respectively, shall, out of moneys provided by Parliament for Navy, Army and Air Force services, respectively, pay to the Unemployed Workers' Dependants Fund in respect of every seaman, marine, soldier or airman who is discharged from the service during the period during which grants are payable under this Act and in respect of whom a payment is made under section forty-one of the Unemployment Insurance Act, 1920, an additional sum of thirty shillings, and the Treasury shall, out of moneys provided by Parliament, pay to the said fund in respect of every such seaman, marine, soldier or airman, a sum equal to three-fourths of the

additional sum to be paid by the Admiralty, Army Council, or Air Council as the case may be under this section.

Expenses of Minister and regulations.

**5.**—(1) Any expenses incurred by the Minister of Labour in carrying this Act into effect, and any expenses incurred by any other Government department for the purposes of or in connection with this Act, shall be paid out of moneys provided by Parliament, and there shall be paid out of the Unemployed Workers' Dependants Fund and applied, in accordance with the directions of the Treasury, as an appropriation in aid of the moneys provided by Parliament for the expenses of the Minister of Labour an amount equal to the moneys provided under this subsection.

(2) The Minister of Labour may make regulations generally for carrying this Act into effect and for prescribing anything which by this Act is to be prescribed, and may by those regulations apply, with or without modifications or adaptations, for the purposes of this Act any of the provisions of the Unemployment Insurance Acts, 1920 and 1921, or any of the provisions of any regulations made under those Acts.

Outdoor relief.

**6.**—(1) In determining whether outdoor relief shall or shall not be granted to a person in receipt of or entitled to receive a grant under this Act, the authority having power to grant the relief shall take into account the amount of the grant.

(2) The operation of section twenty-seven of the Unemployment Insurance Act, 1920 (which provides that unemployment benefit shall not, except in so far as it exceeds ten shillings a week, be taken into account in determining whether outdoor relief is or is not to be granted), shall be suspended while this Act continues in force.

Grants to be inalienable.

**7.** Every assignment of or charge on, and every agreement to assign or charge, any grant payable under this Act shall be void, and on the bankruptcy of any person to whom any such grant is payable the grant shall not pass to any trustee or other person acting on behalf of his creditors.

Penalty for false statements.

**8.** If, for the purpose of obtaining a grant under this Act either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction

to imprisonment for a term not exceeding six months with hard labour.

Short title, application, and duration.

**9.**—(1) This Act may be cited as the Unemployed Workers' Dependants (Temporary Provision) Act, 1921.

(2) In the application of this Act to Ireland a reference to a court of referees shall be substituted for the reference to a local employment committee, and for the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

(3) This Act shall come into operation on the tenth day of November, nineteen hundred and twenty-one, and shall, subject as hereinbefore provided, continue in force for a period of six months from that date:

Provided that section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall, in relation to the provisions of this Act with respect to contributions, have effect as if those provisions had been repealed by another Act passed on the expiration of the period during which contributions continue to be payable under this Act, and in relation to the other provisions of this Act, have effect as if those provisions had been repealed by another Act passed immediately after the expiration of the period of six months above-mentioned. 52 & 53 Vict. c. 63.

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## SCHEDULE.

Section 2.

### RATES OF CONTRIBUTIONS.

#### PART I.

#### BY INSURED PERSONS AND EMPLOYERS.

From the insured person for each week:—

| | |
|---|---|
| In the case of men | 2*d.* |
| In the case of women, boys, and girls | 1*d.* |

From the employer for each week:—

| | |
|---|---|
| In the case of an insured person being a man | 2*d.* |
| In the case of an insured person being a woman, boy, or girl | 1*d.* |

PART II.

OUT OF MONEYS PROVIDED BY PARLIAMENT.

| | |
|---|---|
| For every contribution paid in respect of a man - | 3*d.* |
| For every contribution paid in respect of a woman, boy, or girl - - - - - - - - | 2*d.* |

## CHAPTER 63.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-two, and to appropriate the further Supplies granted in this Session of Parliament. [10th November 1921.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of 15,919,100*l.* out of the Consolidated Fund.

**1.** The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-two, the sum of fifteen million nine hundred and nineteen thousand one hundred pounds.

Power for the Treasury to borrow.

**2.**—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank

of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole fifteen million nine hundred and nineteen thousand one hundred pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

## Appropriation of Grants.

**3.** All sums granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A.), in the aggregate to the sum of fifteen million nine hundred and nineteen thousand one hundred pounds, are appropriated, as from the date of the passing of this Act, for the services and purposes expressed in Schedule (B.) annexed hereto. Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

**4.**—(1) So long as the aggregate expenditure on naval services is not made to exceed the aggregate sums appropriated by this Act and by the Appropriation Act, 1921, for those services, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under those Acts as appropriations in aid of that vote, or by saving of expenditure Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate

grants for the navy services be not exceeded. 11 & 12 Geo. 5. c. 46.

on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by those Acts, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval services for the year in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Declaration required in certain cases before receipt of sums appropriated.

5. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title.

6. This Act may be cited for all purposes as the Appropriation (No. 2) Act, 1921.

# ABSTRACT

OF

# SCHEDULES (A.) and (B.) to which this Act refers.

## SCHEDULE (A.)

Section 3.

| | £ | s. | d. |
|---|---|---|---|
| Grant out of the Consolidated Fund - | 15,919,100 | 0 | 0 |

## SCHEDULE (B.)—Appropriation of Grants.

Section 3.

| | Sums not exceeding | | | | | |
|---|---|---|---|---|---|---|
| | Supply Grants. | | | Appropriations in Aid. | | |
| | £ | s. | d. | £ | s. | d. |
| Part 1. Navy (Supplementary), 1921–1922 - - - | 965,000 | 0 | 0 | — | | |
| „ 2. Army (Supplementary), 1921–1922 - - - | 6,720,000 | 0 | 0 | — | | |
| „ 3. Civil Services (Supplementary), 1921–1922 - | 8,234,100 | 0 | 0 | — | | |
| £ | 15,919,100 | 0 | 0 | — | | |

SCHED. (B.) PART 1. Navy (Supplementary), 1921–1922.

## SCHEDULE (B.)—PART 1.

NAVY (SUPPLEMENTARY), 1921–1922.

SCHEDULE OF SUMS granted to meet additional expenditure on Navy Services for the year ending on the 31st day of March 1922, viz.:—

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Vote 1. Wages, &c., of Officers, Seamen and Boys, Coast Guard and Royal Marines - - - | 745,000 | |
| Vote 2. Victualling and Clothing for the Navy - - - - - | 212,000 | |
| Vote 11. Miscellaneous Effective Services | 68,000 | |
| | 1,025,000 | |
| Less Savings on:— | | |
| Vote 7. Royal Naval Reserves - - | 37,000 | |
| Vote 13. Half Pay and Retired Pay - | 23,000 | |
| | 60,000 | |
| Net Amount - - - | 965,000 | |

## SCHEDULE (B.)—PART 2.

SCHED. (B.) PART 2. Army (Supplementary), 1921–1922.

### ARMY (SUPPLEMENTARY), 1921–1922.

SCHEDULE of estimated additional expenditure in respect of Army Services in respect of the year ending on the 31st day of March, 1922, and of the sums granted to defray the charges which will come in course of payment during that year in respect of the said services :—

| Heads of Cost. | Sums not exceeding |
|---|---|
| | £ |
| HEAD I.—MAINTENANCE OF THE STANDING ARMY— | |
| A.—Forces at Home— | |
| Defence Force | 3,850,000 |
| Increased strength of Regular units | 1,828,000 |
| HEAD III.— | |
| F.—Working Expenses of Depôts | 97,000 |
| L.—(1) Regimental Pay Offices | 50,000 |
| M.—(2) Record Offices | 17,000 |
| HEAD IV.— | |
| B.—Staff of Commands | 29,000 |
| Head V.— | |
| A.—Stock Accounts— | |
| *Credit*—Decrease of Stock | *Cr. 475,000* |
| HEAD VI.—TERMINAL AND MISCELLANEOUS CHARGES— | |
| A.—(1) Re-instatement of Property | 22,000 |
| B.—(2) Bounties on Discharge | 721,000 |
| B.—(3) Unemployment Insurance | 936,000 |
| B.—(4) Transport of Troops and Carriage of Stores | 680,000 |
| | 7,755,000 |
| *Less* SAVINGS— | |
| HEAD II.—TERRITORIAL ARMY AND RESERVE FORCES— | |
| A.—Army Reserve | 163,000 |
| D.—Territorial Army | 833,000 |
| HEAD VII.—HALF PAY, RETIRED PAY, PENSIONS AND CIVIL SUPERANNUATION— | |
| A.—(5) Retired Pay of Regimental and Departmental Officers | 39,000 |
| | 1,035,000 |
| NET TOTAL £ | 6,720,000 |

| | Supply Grants. | Appropriations in Aid. |
|---|---|---|
| | £ | £ |
| Estimated additional cash required for Army Services in 1921–22 | 6,720,000 | — |

SCHED. (B.) PART 3. Civil Services (Supplementary), 1921–1922.

## SCHEDULE (B.)—PART 3.

### CIVIL SERVICES (SUPPLEMENTARY), 1921–1922.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ending on the 31st day of March, 1922, viz.:—

| | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| CIVIL SERVICES. | | |
| | £ | £ |
| CLASS II. | | |
| For the salaries and expenses of the Department of His Majesty's Secretary of State for the Colonies; including grants in aid and other expenses connected with Oversea Settlement - | 330,000 | — |
| CLASS V. | | |
| For sundry Colonial Services, including certain grants in aid - - - | 50,000 | — |
| CLASS VII. | | |
| For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the contributions to the Unemployment Insurance Fund, and to special schemes under the Unemployment Insurance Acts, 1920 and 1921, contribution to the Unemployed Workers' Dependants Fund; payments to associations under section 17 of the Unemployment Insurance Act, 1920, and section 106 of the National Insurance Act, 1911; Out of Work Donation and expenditure in connection with the training of demobilised officers and non-commissioned officers and men, and the training of women; and grants for re-settlement in civil life; also the expenses of the Industrial Court - - - - - - - | 2,192,000 | — |
| Carried forward - - - | 2,572,000 | — |

SCHEDULE (B.)—PART 3—*continued.*

SCHED. (B.) PART 3. Civil Services (Supplementary), 1921–1922.

| CIVIL SERVICES—*cont.* | Sums not exceeding | |
|---|---|---|
| | Supply Grants. | Appropriations in Aid. |
| | £ | £ |
| Brought forward - - | 2,572,000 | — |
| UNCLASSIFIED SERVICES. | | |
| For the salaries and expenses of the State Liquor Districts, including the salaries of the Central Office, and the cost of compensation for acquisition and of direct control of licensed premises and businesses - - | 62,100 | — |
| For the cost of certain miscellaneous war services - - - - - - | 100,000 | — |
| For the cost of the relief of unemployment - - - - - - - - | 5,500,000 | — |
| Total Civil Services - - | 8,234,100 | — |

## CHAPTER 64.

An Act to authorise during a limited period the provision of Poor Relief to Destitute Able-bodied Persons out of Employment in Scotland, to extend the borrowing powers of Parish Councils, and for other purposes in connection therewith. [10th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Poor relief to destitute able-bodied persons out of employment. 8 & 9 Vict. c. 83.

**1.**—(1) Notwithstanding anything in section sixty-eight of the Poor Law (Scotland) Act, 1845 (in this Act referred to as "the principal Act"), assessments imposed and levied for the relief of the poor shall extend and be applicable to the relief of destitute able-bodied persons

out of employment, so, however, that nothing in this Act contained shall require the parish council of any parish to provide relief to any such person unless he satisfies the parish council (whose decision shall be final) that he is destitute and unable to obtain employment.

(2) The provisions of the principal Act, except those relating to the recovery of expenses from the parish of settlement, shall, so far as not inconsistent with this Act, apply to relief to a destitute able-bodied person out of employment in like manner as they apply to relief under the principal Act, provided that the application for or receipt of relief by any destitute able-bodied person under the provisions of this Act shall not affect the acquisition or retention of a settlement by such person.

(3) This section shall be deemed to have had effect as from the nineteenth day of April, nineteen hundred and twenty-one.

Loans to parish council in connection with relief to destitute able-bodied persons out of employment.

**2.**—(1) In addition to the power to borrow contained in section eighty-nine of the principal Act, and notwithstanding anything in that section, it shall be competent for the parish council of any parish, with the consent of the Scottish Board of Health (in this Act referred to as "the Board"), to borrow on the security of the assessments present and future, leviable by the council for the relief of the poor in the parish, such sum as the Board may approve, and any sum so borrowed shall be repaid within such period not exceeding five years from the date on which the sum is borrowed as the Board may determine: Provided that in exceptional cases where the Board are satisfied, having regard to the financial position of any parish and to all the circumstances of the case, that it is expedient that the period for repayment should be extended beyond the term of five years, the Board may extend such period to a term not exceeding ten years from the date on which the sum is borrowed.

(2) Where, before the passing of this Act, a parish council has, with the approval of the Board, borrowed a sum in excess of one-half of such part of the assessments for the relief of the poor as was due and unreceived at the time, such sum shall, notwithstanding anything in section eighty-nine of the principal Act, be deemed to be and always to have been validly borrowed; and any such

loan may be secured on the assessments present and future leviable by the parish council for the relief of the poor in the parish, and the provisions of the immediately preceding subsection with respect to the period of repayment shall apply to any such loan.

(3) The bonds to be granted in respect of any such borrowing or any such loan and the transfers or assignations and discharges thereof may be in, or as nearly as may be in, the form set out in the Schedule to the Poor Law Loans and Relief (Scotland) Act, 1836. 49 & 50 Vict. c. 51.

(4) Any loan or loans to which this section applies shall not be reckoned in any calculation of the statutory limit of loans under subsection (1) of section thirty-eight of the Local Government (Scotland) Act, 1894. 57 & 58 Vict. c. 58.

Title, construction, and extent.

**3.**—(1) This Act may be cited as the Poor Law Emergency Provisions (Scotland) Act, 1921.

(2) In this Act, unless the context otherwise requires, the expression "parish" includes "combination."

(3) This Act shall be read and construed along with the principal Act and the Acts amending the same, and any reference in this Act to any provision of the principal Act shall be construed as a reference to that provision as amended by any other Act prior to the passing of this Act.

(4) This Act shall apply to Scotland only and, subject as hereafter provided, shall have effect until the fifteenth day of May, nineteen hundred and twenty-two, or until such later date or dates (if any) not being more than one year thereafter as the Board may fix, and the Board may fix different dates for different provisions of this Act:

Provided that—

(i) the provisions of section thirty-eight of the Interpretation Act, 1889 shall apply as if the several provisions of this Act were repealed on the date, or on the respective dates, on which such provisions cease to have effect; and 52 & 53 Vict. c. 63.

(ii) a parish council shall have power at any time during the period of repayment of any

loan to which section two of this Act applies to reborrow money on the security referred to in that section for the purpose of discharging in whole or in part any such loan, so, however, that the period of repayment shall not be extended by reason of such re-borrowing.

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## CHAPTER 65.

An Act to authorise the Treasury to guarantee the payment of loans to be applied towards the carrying out of capital undertakings, or in the purchase of articles manufactured in the United Kingdom required for the purposes of any such undertakings, and to amend the Overseas Trade (Credits and Insurance) Act, 1920, and the Overseas Trade (Credits and Insurance) Amendment Act, 1921. [10th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Treasury to guarantee loans.

**1.**—(1) If the Treasury, after consultation with an advisory committee nominated by the Treasury for the purposes of this section, are satisfied that the proceeds of any loan proposed to be raised, whether within or without the United Kingdom, by any government, any public authority, or any corporation or other body of persons, are to be applied towards or in connection with the carrying out of any capital undertaking, or in, or in connection with, the purchase of articles other than munitions of war, manufactured or produced in the United Kingdom required for the purposes of any such undertaking, and that the application of the loan in the manner proposed is calculated to promote employment in the United Kingdom, the Treasury may,

subject to the provisions of this section, guarantee in such manner and form and on such terms and conditions as they think proper the payment of the interest and principal of the loan or of either interest or principal:

Provided that the aggregate capital amount of the loans the principal or interest of which is guaranteed under this section shall not exceed the sum of twenty-five million pounds.

(2) No guarantee shall be given by the Treasury under this section after the expiration of twelve months from the commencement of this Act.

(3) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(4) All sums paid from time to time in or towards the repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer.

(5) The Treasury shall, as soon as may be after the expiration of each quarter of the year during which guarantees may be given under this section, lay before both Houses of Parliament a statement of the guarantees given under this section during that quarter, together with particulars of the purposes to which the loans guaranteed were to be applied, and shall, so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March an account up to that date of the total sums, if any, which have been either issued out of the Consolidated Fund under this section or paid in or towards repayment of any money so issued.

(6) In this section the expression "capital undertaking" means an undertaking involving capital expenditure.

Amendment of 10 & 11 Geo. 5. c. 29 and 11 & 12 Geo. 5. c. 26.

**2.**—(1) The provisions of the Overseas Trade (Credits and Insurance) Act, 1920 (in this section referred to as "the principal Act") as amended by the Overseas Trade (Credits and Insurance) Amendment Act, 1921 (in this section referred to as "the amending Act"), shall be extended so as to authorise the granting of credits and the giving of guarantees in respect of export transactions other than

the sale of munitions of war between the United Kingdom and any other country whatsoever.

(2) In subsection (2) of section two of the principal Act (which makes provision with respect to the period within which credits granted under that Act are to be liquidated), for the words "some date not later than six years from the "said eighth day of September, nineteen hundred and "nineteen," there shall be substituted the words "some "date not later than eight years from the said eighth "day of September, nineteen hundred and nineteen," and in proviso (*a*) to subsection (1) of section one of the amending Act (which limits the period within which guarantees are to remain in force) for the words "eighth day of September, nineteen hundred and twenty-five," there shall be substituted the words "eighth day of September, nineteen hundred and twenty-seven," and, notwithstanding anything in the principal Act as amended by the amending Act, the power of the Board of Trade to renew a guarantee may be exercised at any time so long as no guarantee is in force after the eighth day of September, nineteen hundred and twenty-seven.

(3) This section shall be construed as one with the principal Act and the amending Act, and those Acts and this section may be cited together as the Overseas Trade Acts, 1920 and 1921.

Short title and repeal.

**3.**—(1) This Act may be cited as the Trade Facilities Act, 1921.

(2) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

## SCHEDULE.

Section 3.

### Enactments Repealed.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 10&11 Geo.5. c. 29. | The Overseas Trade (Credits and Insurance) Act, 1920. | In section one the words "being one of the countries "specified in the Schedule "to this Act" and the words "specified in the "Schedule to this Act"; in section one, subsection (*b*) (ii), the words "to an "alien, or to a firm in "which the majority of "the partners are aliens, "or to a company where "British subjects do not "form a majority of the "directors, or where a "majority of the voting "power is not in the "hands of British sub-"jects"; section three; Schedule. |
| 11&12 Geo.5. c. 26. | The Overseas Trade (Credits and Insurance) Amendment Act, 1921. | Section two. |

## CHAPTER 66.

An Act to extend temporarily the period during which persons who are unemployed may remain insured under the general provisions of the National Health Insurance Acts, 1911 to 1921. [10th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Extension of period during which persons ceasing to be employed may remain insured.
7 & 8 Geo. 5. c. 62.

**1.**—(1) Where an insured person, being a member of an approved society, continues to be unemployed after the expiration of the period of twelve months mentioned in subsection (1) of section thirteen of the National Health Insurance Act, 1918 (which relates to the position of insured persons ceasing to be employed), he shall, notwithstanding anything in that subsection, remain while this Act continues in force an insured person if and so long as the conditions laid down by this section are fulfilled in his case.

(2) The conditions to be fulfilled by an insured person for the purposes of this section are—

(*a*) that the approved society of which he is a member is satisfied, or in the case of a dispute it is decided in manner provided by the National Insurance Act, 1911, that the insured person has not since the commencement of the period aforesaid been unemployed by reason of having entered upon or become engaged in some occupation which is not employment within the meaning of Part I. of the said Act.

1 & 2 Geo. 5. c. 55.

(*b*) That the total number of the contributions, to be calculated in the prescribed manner, paid by or in respect of the insured person during the two years ending on the fourth day of July, nineteen hundred and twenty, was not less than eighty, or in the case of a person who entered into insurance after the first day of July, nineteen hundred and eighteen, that the total number of contributions, calculated as aforesaid, paid by or in respect of him either during the period between the date on which he entered into insurance and the thirty-first day of December, nineteen hundred and twenty, or during the period between the date on which he entered into insurance and the date on which he ceased to be employed, was a number not less than three-quarters of the number of weeks comprised in the period.

Amendment of provisions relating to continuance in insurance of married women.

**2.** The provisions of subsection (1) of section twenty-two of the National Health Insurance Act, 1918 (which relates to the position of a married woman who ceases to be employed), shall not, while this Act continues in force, apply in the case of any woman as respects whom the approved society of which she is a member is satisfied, or as respects whom in the case of a dispute it is decided in manner provided by the National Insurance Act, 1911, that she did not voluntarily cease work, and that since the date on which she ceased work, she has, except when incapable of work by reason of some specific disease or some bodily or mental disablement, been available for, but unable to obtain, employment.

Short title and operation.

**3.**—(1) This Act may be cited as the National Health Insurance (Prolongation of Insurance) Act, 1921, and shall be included among the Acts which may be cited together as the National Health Insurance Acts, 1911 to 1921.

(2) This Act shall be deemed to have had effect as from and after the thirty-first day of December, nineteen hundred and twenty, and shall continue in operation until the thirty-first day of December, nineteen hundred and twenty-two:

Provided that—

(*a*) if any person who has, by virtue of the provisions of this Act, remained in insurance is at the date of the expiration of this Act, or was within the period of four weeks preceding that date, incapable of work, he shall not cease to be an insured person until four weeks after the date on which he again becomes capable of work; and

(*b*) no person shall, by virtue of the provisions of this Act, become entitled to any benefit in respect of any period before the passing of this Act; and

(*c*) for the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

# CHAPTER 67.

An Act to make further provision with respect to the Metropolitan Common Poor Fund and with respect to rating and to the finance of certain Local and Public Authorities.

[10th November 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Temporary extension of charges on the Metropolitan Poor Fund.

33 & 34 Vict. c. 18.

**1.**—(1) Subsection (3) of section one of the Metropolitan Poor Amendment Act, 1870 (which relates to repayments out of the Metropolitan Common Poor Fund in respect of the maintenance of paupers in workhouses or asylums), shall, as respects the half-year current at the passing of this Act and any subsequent half-year ending before the expiration of this section, have effect as though the words "at the rate of one shilling and threepence per day" were substituted for the words "at the rate of fivepence per day".

(2) In respect of the same half years there shall be included amongst the expenses to be repaid out of the Metropolitan Common Poor Fund the expenses incurred in respect of out-door relief, so however that no repayment shall be made in respect of relief granted in excess of such scale or in contravention of such conditions as shall be prescribed by regulations of the Minister of Health. Such scale and regulations shall be laid before both Houses of Parliament.

The power of the Minister of Health to make such regulations shall be in addition to and not in derogation of any other powers possessed by him of making rules, orders, or regulations respecting the grant of out-door relief.

(3) Where the Minister of Health is satisfied that proper investigation has not been made within a reasonable time of the granting of out-door relief, no repayment shall be made in respect of that relief.

(4) This section shall continue in force until the thirty-first day of December, nineteen hundred and twenty-two, and no longer, but the expiration of this section shall not affect any liability to make contributions or right to be repaid expenses in respect of any half-year ending before such expiration.

Power to appoint receiver where metropolitan borough council fails to meet precept.

2.—(1) Where, in pursuance of a precept issued by an authority either before or after the passing of this Act, any sum is payable, directly or indirectly, by the council of a metropolitan borough to that authority, and the Minister of Health is satisfied that the council have refused or neglected to raise the amount by a rate, or that, having raised the amount by a rate, the council have refused or neglected to pay the amount due under the precept, the Minister may issue a certificate to that effect, and thereupon the authority shall have the like power of applying for the appointment of a receiver, and a receiver may, upon such application, be appointed in like manner and, when appointed, have the like power as if the authority were a secured creditor of the council for the sum due under the precept with interest thereon at the rate of six per centum per annum from the date when the amount became payable under the precept, and that sum and interest were due under a security issued under the Local Loans Act, 1875, charging the same on the rates leviable by and on all other property of the council, and the conditions under which a receiver may, in such a case, be appointed under section twelve of that Act were fulfilled, and that section shall apply accordingly :

38 & 39 Vict. c. 83.

Provided that the application may be made by the Minister instead of by the authority if the Minister thinks fit.

(2) Where an authority have issued a precept to a board of guardians in the administrative county of London and the Minister is satisfied that the board of guardians have failed to include the amount of the precept in any precept issued by them to a metropolitan borough council, the Minister may, by order, cancel the precept to the guardians and authorise the authority to issue a precept to the council for the amount due under the precept to the guardians, and in that case the amount specified in the precept to the council shall become payable to the authority in the same manner as it would

have become payable to the guardians if the precept had been issued by them.

(3) The power of the receiver appointed under this section to levy a rate may be exercised, notwithstanding that the expenses of the authority to meet which the rate is made were incurred in a period prior to that in which the rate is made, and notwithstanding that the council may have already made and levied a rate for such expenses.

(4) Where, in pursuance of a precept issued by an authority either before or after the passing of this Act, any sum is payable, directly or indirectly, by the council of a metropolitan borough to that authority, the authority may set off any sum payable to the council by the authority against the sum payable by the council in pursuance of the precept, without prejudice to proceedings for the recovery of the balance (if any) of the last-named sum under the provisions of this section.

(5) For the purposes of this section—

the expression "authority" means any body or person having power to issue a precept payable either directly or indirectly out of the general rate leviable by a metropolitan borough council;

the expression "precept" includes a warrant or contribution order.

(6) The powers conferred by this section shall be in addition to and not in derogation of any other powers of enforcing compliance with a precept issued by an authority.

Borrowing on short term loans by local authorities.

**3.**—(1) A local authority may from time to time, for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution or performance of any of their powers and duties (including the payment of sums due by them to meet the expenses of other authorities), with the consent of the Minister of Health, borrow by way of temporary loan or overdraft from any bank or otherwise, such sums as they may from time to time resolve, not exceeding in the aggregate at any time such amount as may be sanctioned by the Minister of Health.

(2) Any amount borrowed under this section shall be charged on the funds, properties, rates and revenues of

the local authority pari passu with all other mortgages, stock, and other securities affecting the same.

(3) All sums borrowed by a local authority under this section together with the interest thereon shall be repaid out of the revenue of the local authority received in respect of the financial year in which the expenses were incurred:

Provided that, as respects money borrowed under this section before the first day of April, nineteen hundred and twenty-three, the Minister may, if satisfied that the particular circumstances of the case justify such a course, extend the term within which such repayment is to be made for a period not exceeding ten years from the date on which the money is borrowed.

(4) Where money is borrowed under this section for the purpose of defraying any expenses repayable out of the Metropolitan Common Poor Fund, or for the purpose of meeting any precept of the Minister of Health issued under the enactments relating to that fund, the amount of any interest paid on the sums so borrowed shall be repaid out of the Metropolitan Common Poor Fund.

(5) The powers conferred by this section on any local authority shall be in addition to and not in derogation of any other powers of borrowing exercisable by the authority.

Power to suspend sinking fund payments, &c., in case of money borrowed for revenue-producing works.

**4.** Where money is borrowed by a local authority for the purpose of the construction of new or extension or alteration of existing works forming or to form part of an undertaking of a revenue-producing character, then, notwithstanding anything to the contrary contained in any Act, it shall be lawful for the annual provision required to be made by the local authority for the repayment of the money so borrowed to be suspended while the expenditure out of that money remains unremunerative for such period and subject to such conditions as the Minister of Health or other authority by whom the borrowing is sanctioned may determine. Provided that such suspension shall not be for a longer period than five years from the commencement of the financial year next after that in which such expenditure commences to be incurred.

Modification of provisions.

**5.**—(1) Where any local authority owing to circumstances arising out of the war have been unable to make

for repayment of loans.

the required provision by means of a sinking fund or otherwise for the due discharge of any loan, the authority may submit to the Minister of Health a scheme varying any statutory provision requiring the loan to be discharged within any particular time or in any particular manner, and the Minister may, if he thinks fit, approve any such scheme either with or without modifications.

(2) Any scheme approved by the Minister under this section shall have effect as if enacted in this Act.

(3) Provided that nothing in any scheme shall in any manner prejudice or affect the security, rights, or remedies of any mortgagee or other person from whom the loan was raised.

Relaxation of limit of borrowing powers of local authorities in certain cases.

**6.**—(1) Any money borrowed by a local authority before the first day of April, nineteen hundred and twenty-three, if certified by the Minister of Health to have been borrowed for the purpose of any work undertaken by the authority with a view to the provision of employment for unemployed persons, and any money borrowed under the provisions of this Act for the purpose of providing temporarily for current expenses, shall not be reckoned as part of the debt of the local authority for the purposes of any enactment limiting the powers of borrowing by that authority.

(2) Until the first day of April, nineteen hundred and twenty-three, subsection (3) of section two hundred and thirty-four of the Public Health Act, 1875 (which prohibits the Minister of Health from sanctioning a loan in certain cases until one of his inspectors has held a local inquiry and reported to the Minister), shall cease to have effect.

38 & 39 Vict. c. 55.

Definition of local authority.

**7.** For the purposes of this Act, "local authority" means the council of any borough and any authority whose accounts are subject to audit by district auditors.

Extent.

**8.**—(1) This Act shall not apply to Scotland.

(2) This Act shall apply to Ireland, subject to the following modifications:—

(*a*) A reference to the Local Government Board for Ireland shall be substituted for any reference to the Minister of Health or the Minister, and a reference to section two hundred

and thirty-eight of the Public Health (Ireland) Act, 1878, shall be substituted for the reference to section two hundred and thirty-four of the Public Health Act, 1875; 41 & 42 Vict. c. 52.

(*b*) "Local authority" shall mean the council of any county, county borough or county district, and the board of guardians of any union;

(*c*) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67

**9.** This Act may be cited as the Local Authorities (Financial Provisions) Act, 1921. Short title

# TABLE II.

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### 11 & 12 GEORGE 5.—A.D. 1921.

NOTE.—The capital letters placed after the chapter have the following signification :—

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S. " " Scotland exclusively.
I. " " Ireland exclusively.
U.K. " " Great Britain and Ireland (and Colonies, if it so extend).

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